

**AREA ZONING CODE
OF FRANKLIN COUNTY**

CHAPTER 80: CODE OF ORDINANCES OF FRANKLIN COUNTY

ORDINANCE NO. _____
FRANKLIN COUNTY, INDIANA

Prepared for the Franklin County Area Plan Commission

By HNTB Corporation

111 Monument Circle, Suite 1200
Indianapolis, IN 46204

TABLE OF CONTENTS

01. TITLE AND INTERPRETATION	1
Section 80.01.01: Short Title.....	1
Section 80.01.02: Intent and Purpose	1
Section 80.01.03: Interpretation.....	1
Section 80.01.04: Scope Of Regulations	2
Section 80.01.05: Exemptions	2
Section 80.01.06: Severability Clause	3
Section 80.01.07: Repealer.....	3
Section 80.01.08: Effective Date.....	3
02. DEFINITIONS	4
Section 80.02.01: Intent.....	4
Section 80.02.02: Rules	4
Section 80.02.03: Definitions.....	4
03. ESTABLISHMENT OF DISTRICTS AND ZONE MAP	43
Section 80.03.01: Establishment of Districts and Zone Map.....	43
Section 80.03.02: Application Of District Regulations.....	43
Section 80.03.04: Subdivision of Land.....	44
Section 80.03.05: Zone Map.....	44
Section 80.03.06: Interpretation Of District Boundaries	45
04. EXPLANATION OF USE CLASSIFICATIONS	47
Section 80.04.01: Principal Uses	47
Section 80.04.02: Special Exceptions.....	47
Section 80.04.03: Accessory Uses	49
Section 80.04.04: Temporary Uses	52
Section 80.04.05: Nonconforming Buildings And Uses.....	54
05. USE DISTRICT REGULATIONS	58
Section 80.05.01: Explanation of use Matrix.....	58
Section 80.05.02: Agricultural Districts.....	58
Section 80.05.03: Residential Districts.....	61
Section 80.05.04: Commercial Districts.....	65
Section 80.05.05: Industrial Districts	68
Section 80.05.06: FP Flood Plain District	75
Section 80.05.07: PUD Planned Unit Development District	94
Section 80.05.08: HD Historic District Overlay District	101
Section 80.05.09: WD Whitewater River Scenic District Overlay District.....	101
<u>Tables:</u>	
80.05.T-1: Agricultural Districts Bulk Matrix (Properties without Common Sewer).....	59
80.05.T-2: Agricultural Districts Bulk Matrix (Properties with Common Sewer)	60
80.05.T-3: Residential Districts Bulk Matrix (Properties without Common Sewer).....	62

80.05.T-4: Residential Districts Bulk Matrix (Properties with Common Sewer).....	64
80.05.T-5: Commercial Districts Bulk Matrix.....	68
80.05.T-6: Industrial Districts Bulk Matrix.....	74
06. Provisions Related to Specific Uses	104
Section 80.06.01: Commercial Canoe Rental.....	104
Section 80.06.02: Confined Feeding Operation.....	105
Section 80.06.03: Conversions	106
Section 80.06.04: Group Home for the Mentally or Physically Disabled.....	106
Section 80.06.05: Hazardous Waste or Contaminant Facility.....	106
Section 80.06.06: Home Occupations	107
Section 80.06.07: Junk Yard	108
Section 80.06.08: Manufactured Homes	108
Section 80.06.09: Mini-Warehouses or Self Service Storage Facility.....	109
Section 80.06.10: Mobile Homes	110
Section 80.06.11: Open-Air Business.....	113
Section 80.06.12: Shopping Center	114
Section 80.06.13: Recreational Vehicle Park or Campground	115
Section 80.06.14: Storage.....	117
Section 80.06.15: Wireless Communication Facilities (Cell Towers)	118
Section 80.06.16: Supplemental Development Standards.....	123

Tables

80.06.T-1: Supplemental Development Standards.....	123
--	-----

07. GENERAL PROVISIONS & REGULATIONS 125

Section 80.07.01: Placement Of Structures	125
Section 80.07.02: Intersection Visibility	125
Section 80.07.03: Exceptions to District Regulations.....	126
Section 80.07.04: Provisions for Required Yards.....	127
Section 80.07.05: Permitted Obstructions in Required Yards.....	127
Section 80.07.06: General Performance Standards	129
Section 80.07.07: Supplementary Business Standards.....	130

08. OFF STREET PARKING AND LOADING 132

Section 80.08.01: Intent.....	132
Section 80.08.02: Scope.....	132
Section 80.08.03: General Provisions.....	133
Section 80.08.04: Determining the Number of Spaces Required.....	133
Section 80.08.05: Drive Through Stacking.....	139
Section 80.08.06: Parking Spaces Accessible to the Disabled.....	140
Section 80.08.07: Off-site Parking Facilities.....	141
Section 80.08.08: Development Standards	142
Section 80.08.09: Parking And Storage Of Certain Vehicles.....	144
Section 80.08.10: Loading Requirements	144
Section 80.08.11: Parking Lot Landscaping.....	145

Tables

80.08.T-1: Minimum Parking Requirements.....	134
80.08.T-2: Accessible Parking Spaces.....	140
80.08.T-3: Dimensions of Parking Spaces.....	142
80.08.10: Required Loading Spaces.....	144

09. SIGNS 146

Section 80.09.01: Purpose and Intent	146
Section 80.09.02: Determining the Area of a Sign	146
Section 80.09.03: General Provisions.....	147
Section 80.09.04: Design Standards.....	147
Section 80.09.05: Exempt Signs	147
Section 80.09.06: Incidental Signs	149
Section 80.09.07: Temporary Signs.....	151
Section 80.09.08: Prohibited Signs.....	152
Section 80.09.09: Provisions for Signs in Agricultural and Residential Districts.....	153
Section 80.09.10: Provisions for Signs in Business and Industrial Districts.....	154
Section 80.09.11: Permitted Signs for Gasoline Service Stations	156
Section 80.09.12: Unified Center Signs.....	157
Section 80.09.13: Advertising Signs (Billboards).....	157
Section 80.09.14: Permit Procedures.....	158
Section 80.09.15: Non Conforming Signs	159

10. LANDSCAPING 160

Section 80.10.01: Landscaping.....	163
Section 80.10.02: Buffer, Screening And Landscaping Requirements.....	163
Section 80.10.03: Parking And Loading Areas.....	167
Section 80.10.04: Modifications.....	168
Section 80.10.05: Approved Landscaping Materials.....	169

Tables

80.10.T-1: Landscape Buffer Requirements.....	165
80.10.T-2: Screening Requirements for Individual Uses	166
80.10.T-3: Trees Approved for Planting Along Public Streets and Highways and in locations where Low Maintenance, Hardy Specimens with High Canopies are Required	169
80.10.T-4: Trees Approved for Use within the interior of the site	171
80.10.T-5: Upright Shrubs Approved for Screening, Hedges, and Specimen Planting	171
80.10.T-6: Spreading Shrubs Approved for Low Borders, Parking Lot Islands, and Ground Covers	173
80.10.T-7: Vines for Walls and Fences.....	174

11. SOIL SURVEY, DRAINAGE, EROSION AND SEDIMENT CONTROL 175

Section 80.11.01: Basic Requirements.....	175
Section 80.11.02: Applicability	175
Section 80.11.03: Compliance With 327-IAC-15-5.....	176
Section 80.11.04: Ingress and egress of property.....	176

Section 80.11.05: General Provisions.....	176
Section 80.11.06: Measures to Minimize Erosion and Sedimentation	177
Section 80.11.07: Grading for Drainage	177
Section 80.11.08: Drainage Right-of-Way	178
Section 80.11.09: Erosion Control Plan	179
Section 80.11.10: Responsibility of Applicant.....	179
Section 80.11.11: Compliance with Regulations and Procedures	180
12. ADMINISTRATION & ENFORCEMENT	181
Section 80.12.01: Authority of Plan Commission, Board of Zoning Appeals and Staff.....	181
Section 80.12.02: Administration	181
Section 80.12.03: Administrative Procedures.....	182
Section 80.12.04: Rules of Procedure.....	183
Section 80.12.05: Site Plans	193
Section 80.12.06: Development Plan Requirements.....	193
Section 80.12.07: Improvement Location Permits	197
Section 80.12.08: Certificate of Occupancy	200
Section 80.12.09: Amendments: Map Changes and Text Changes	201
Section 80.12.10: Filing Fees And Forms	203
13. AREA BOARD OF ZONING APPEALS	204
Section 80.13.01: Establishment Of Area Board Of Zoning Appeals.....	204
Section 80.13.02: Membership.....	205
Section 80.13.03: Organization And Rules Of Area Board Of Zoning Appeals.....	205
Section 80.13.04: Powers And Duties Of Area Board Of Zoning Appeals	206
Section 80.13.05: Variances	207
Section 80.13.06: Appeals to Board.....	208
Section 80.13.07: Hearing of appeals, Special exceptions, and variances	209
14. VIOLATIONS AND PENALTIES	210
Section 80.14.01: Complaints.....	210
Section 80.14.02: Remedies And Penalties	211
APPENDIX. USE MATRIX.....	214
APPENDIX 1.....	214

01. TITLE AND INTERPRETATION

TABLE OF CONTENTS

Section 80.01.01: Short Title.....	1
Section 80.01.02: Intent and Purpose	1
Section 80.01.03: Interpretation.....	1
Section 80.01.04: Scope Of Regulations	2
Section 80.01.05: Exemptions	2
Section 80.01.06: Severability Clause	3
Section 80.01.07: Repealer.....	3
Section 80.01.08: Effective Date.....	3

SECTION 80.01.01: SHORT TITLE

The ordinance, as amended, comprising Chapter 80 of the "Code of Ordinances of Franklin County, Indiana," shall hereafter be referred to as the "Area Zoning Code of Franklin County, Indiana."

SECTION 80.01.02: INTENT AND PURPOSE

The purpose of this Zoning Code is to regulate the use and development of land within the jurisdiction of the Franklin County Area Plan Commission. It is intended to promote the public health, safety and general welfare, and more specifically to:

- A. Guide future growth and development in accordance with the Franklin County Comprehensive Plan;
- B. Reduce traffic congestion in public streets;
- C. Secure safety from fire, flood and other dangers;
- D. Provide adequate light and air;
- E. Prevent the overcrowding of land and avoid undue concentration of population;
- F. Facilitate the adequate provision of transportation, water, sewage, schools, parks, and other public requirements;
- G. Avoid scattered and uncontrolled development of land that would result in excessive expenditure of public funds for the supply of community services;
- H. Protect the historic and architectural heritage of the County;
- I. Provide for performance standards for the emission of pollutants into the air, water, and ground; and
- J. Protect the natural resources of Franklin County.

SECTION 80.01.03: INTERPRETATION

In interpreting and applying the provisions of this Chapter, they shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, morals, convenience and general welfare. The Franklin County Area Plan Commission has given

consideration to the existing and future probable use of land in the territory affected by this Code, and has prepared a comprehensive plan showing the future development of this area, which has served as a guide in the preparation of this Code.

SECTION 80.01.04: SCOPE OF REGULATIONS

- A. No land or building shall be used or shall be erected, reconstructed or structurally altered, which is arranged, intended or designed to be used for any purpose other than a use which is permitted and specified in the district in which such land or building is located.
- B. No building shall be erected, reconstructed or structurally altered to exceed in height the limits established and specified for the use and the district in which such building is located.
- C. No building shall be erected, reconstructed or structurally altered in any manner which will encroach upon, or reduce in any manner, the yards, lot area per family, ground floor area of dwellings, or lot coverage provisions established and specified for the use and the district in which such building is located.
- D. No building or structure shall be moved from one lot or premises to another unless such building and lot shall thereupon conform to all the regulations of the zone district to which such building shall be moved.
- E. It is not intended by this Code to interfere with, abrogate, or annul any easements, covenants, or other agreements between parties, nor any ordinances, rules, regulations or permits previously adopted or issued and which are not in conflict with any of the provisions of this Chapter, except that, where this Chapter imposes a greater restriction upon the use of buildings or land, or upon the height of buildings, or requires larger open spaces or greater lot area per family than are required or imposed by such easements, covenants, or agreements between parties, or by such ordinance, rules, regulations or permits, the provisions of this Code shall control.
- F. All previously existing uses, lots and structures which do not comply with the regulations in this Code and its amendments, shall be deemed legal nonconforming uses, lots, and structures and shall be subject to the regulations of Section 80.04.05.

SECTION 80.01.05: EXEMPTIONS

- A. All existing farming operations, including but not limited to noncommercial grain elevators, produce stands, roadside sales structures for the sale of products raised on the farm and farm barns, farm outbuildings or other buildings, structures or erections which are adapted, by reason of nature and area, for use for agricultural purposes as a primary means of livelihood or maintenance, while so used, shall not be effected by the restrictions or regulations of this Code. This exemption for farms does not apply to restricted commercial farm enterprises, including confined feeding operations, farm houses or farm dwellings which include dwellings for the farm owner, operator or farm assistants. Such exemption shall not apply to new farming operations.
- B. Structures and land used for public utility installations as defined herein, while so used, shall not be affected by restrictions or regulations of this Chapter of the Code (Chapter 80); provided, however, terminal facilities, treatment plants, processing plants, and cell towers shall be subject to the provisions of this Code.

SECTION 80.01.06: SEVERABILITY CLAUSE

Should any section or provisions of this Code be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Code as a whole, or any portion thereof, other than the portion so declared to be invalid.

SECTION 80.01.07: REPEALER

After the effective date of this Ordinance, all provisions of the Area Zoning Code of Franklin County, Indiana, 1988, and all amendments thereof, are here by expressly repealed.

SECTION 80.01.08: EFFECTIVE DATE

This Ordinance shall be in full effect from and after _____, 2008 as provided by law.

02. DEFINITIONS

TABLE OF CONTENTS

Section 80.02.01: Intent.....	4
Section 80.02.02: Rules	4
Section 80.02.03: Definitions.....	4

SECTION 80.02.01: INTENT

For the purpose of the Zoning Code, certain terms and words used herein shall be interpreted according to the rules and definitions of this Article, except when the context clearly indicates otherwise.

SECTION 80.02.02: RULES

- A. Words used in the present tense include the future tense; words used in the future tense include the present tense; words used in the singular number include the plural number; and words used in the plural number include words used in the singular number.
- B. Words used in the masculine include the feminine; words used in the feminine include the masculine.
- C. The word "shall" is mandatory; the word may is permissive.
- D. The words used or occupied include the words intended, designed, or arranged to be used or occupied.
- E. The word "building" includes the word "structure"; the word "structure" includes the word "building".
- F. The word lot includes the words plot or parcel.

SECTION 80.02.03: DEFINITIONS

Abutting Bordering.

Accessory Building And Use..... A building or use subordinate to another structure or use located on the same lot and which does not change or alter the character of the premises and which is not used for human occupancy; such as public utility installations, electric distribution and secondary power lines, gas, water and sewer lines, their supports and poles, guy wires, small transformers, wire or cable, and incidental equipment, and public telephone booths.

Adult Book Store An establishment receiving at least twenty-five percent (25%) of its gross sales (in dollars) from the sale or rental of trade, books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or

relating to "Specified Sexual Activities" or "Specified Anatomical Areas", as defined in this ordinance, or an establishment with a segment or section devoted to the sale or display of such material.

Adult Entertainment..... An establishment used for presenting persons depicting, showing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas", as defined in this ordinance.

Adult Motion Picture Theater An establishment used for presenting motion picture material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas", as defined in this ordinance, for observation by patrons thereto.

Adult Videotape Store An establishment having as a substantial or significant portion of its stock in trade, videotapes, DVD which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas", as defined in this ordinance, or an establishment with a segment or section devoted to the sale or display of such material.

Agriculture..... The art or science of cultivating the ground, and raising and harvesting crops, often including feeding, breeding and management of livestock; tillage; husbandry; farming; in a broader sense, the science and art of the production of plants and animals useful to man, including to a variable extent the preparation of these products for a man's use and their disposal by marketing or otherwise. In this broad use, it includes farming, horticulture, forestry, dairying, sugar making, etc.

Airport Any runway, landing area or other facility designed, used or intended to be used either publicly or privately by any person for the landing and taking off of aircraft, including all necessary taxiways, aircraft storage and tie-down areas, hangars and other necessary buildings and open spaces.

Alley Line..... A lot line bordering on an alley.

Alley..... A permanent public service way providing a secondary means of access to abutting lands.

Alternative Livestock Animals.....are reptiles, deer, bear, or animals not commonly found on a local farm.

Apartment	A building or portion thereof designed for or occupied by more than two (2) families. Also, a multi-family dwelling.
Applicant.....	The owner or owners of land or their appointed designee who makes application to the Area Plan Commission, Board of Zoning Appeals, or the Planning and Building Department for action by said Commission, Board, or Department affecting the real estate owned thereby.
Aquifer.....	A geologic formation, group of formations or part of a formation capable of storing and yielding groundwater to wells or springs.
Assembly Halls	A building, or part of a building, in which facilities are provided for such purposes as meetings for civic, educational, political, religious or social purposes and may include a banquet hall, private club or fraternal organization.
Auction Use	A building or any specific closed or open area where merchandise is assembled and sold by a form of sale called an Auction.
Automobile Repair Facility	Any building, structure or land used for the repair and maintenance of automobiles, motorcycles, trucks, trailers or similar vehicles, including but not limited to upholstery work, oil change and lubrication, painting, tire service, etc.
Automobile Repair Facility, Incidental	Any building, structure or land used for the repair or maintenance of automobiles, motorcycles, trucks, trailers, or similar vehicles, and which is incidental to the primary use. Examples may include, but are not limited to, service bays associated with a gasoline station, and battery and tire repair services and/or oil change services associated with automobile parts stores.
Automobile Wrecking Yard.....	Any place where two or more motor vehicles, not in running condition, lacking current license plates and state inspection stickers, including inoperable equipment and parts thereof, are stored in the open and not being restored to operating condition; and including the commercial salvaging of any other goods, articles, or merchandise. (See "Junk Yard".)
Automotive Paint Shop	An establishment primarily engaged in automotive painting and refinishing.

Automotive Rentals	Establishments involved in renting passenger cars, noncommercial trucks, motor homes or recreational vehicles, including incidental parking and servicing of vehicles available for rent.
Automotive Sales.....	Establishments involved in the retail sale of new and used automobiles, noncommercial trucks, motor homes or recreational vehicles, including incidental storage, maintenance and servicing.
Automotive Supply.....	An establishment primarily engaged in the retail sale of automotive parts, tires and accessories.
Automotive Tire Repair.....	An establishment primarily engaged in the repair or retreading of automotive tires.
Basement	A level of the structure, wholly or partly underground, which, unless subdivided into rooms and used for (living) purposes, shall not be included as a story for the purpose of height measurement.
Bed And Breakfast.....	A building in which one (1) but not more than fourteen (14) guest rooms are used to provide sleeping accommodations and a breakfast for its guests for a fee, for no more than thirty (30) consecutive days to a particular guest.
Block Frontage.....	Property having frontage on one side of a street and lying between the two nearest intersecting or intercepting streets, or nearest intersecting or intercepting street and railroad right-of-way, waterway, or other barrier.
Block.....	A unit or property bounded by streets, or by streets and/or railroad rights-of-way, waterways, or other barriers.
Board Of County Commissioners ...	The Board of County Commissioner of Franklin County, Indiana.
Board, Or Board Of Zoning Appeals, Or Area Board Of Zoning Appeals .	The Franklin County Area Board of Zoning Appeals.
Boarding House	A building not open to transients, where lodging and/or meals are provided for three (3) or more persons, but not exceeding twelve (12), persons regularly; in contradistinction to hotels and restaurants open to transients.
Buffer	Any trees, shrubs, walls, fences, berms, or related landscaping features required under this ordinance or the subdivision regulations to be placed either on

private property and privately maintained, or in public rights-of-way for the purpose of buffering lots from adjacent properties, for aesthetic purposes and/or for creating sound and/or visual privacy barriers

- Building**..... A structure having a roof supported by columns or walls, for the shelter, support, enclosure or protection of persons, animals, chattels, or property. When separated by party walls, without any opening through walls, each portion of such a building shall be considered a separate structure.
- Building Area** The maximum horizontal projected area of the principal and accessory building(s) on the lot, excluding open steps or terraces, unenclosed porches not exceeding one story in height, or architectural appurtenances projecting not more than two feet.
- Building Code** Chapter 90. Building Code of the Code of Ordinances of Franklin County, Indiana; the Building Code Ordinance of current adoption of Franklin County; and any Building Code Ordinance now or hereafter adopted by a participating town.
- Building, Detached** Any building that is no closer than six (6) feet from an adjacent building.
- Building, Front Line Of** The line of the face of the building nearest the front lot line.
- Building, Height Of** The vertical distance measured from the lot ground level to the highest point of the roof for a flat roof, to the deck line of a mansard roof, and to the mean height between eaves and ridges for gable, hip and gambrel roofs.
- Building Inspector**..... The official designated by the Board of County Commissioners of Franklin County and authorized to enforce the Building Code. The Building Inspector may also be the Executive Director.
- Building Setback Line** The line nearest the front of and across a lot establishing the minimum yard to be provided between the front line of a building or structure and the front lot line.
- Building Permit**..... A permit signed by the Building Inspector stating that a proposed improvement complies with the Building Code.
- Building, Principal** A building in which is conducted the main or principal use of the lot on which said building is

situated. Where a part of an accessory building is attached to the principal building in a substantial manner, as by a roof, such accessory building shall be considered a part of the principal building.

- Business Or Commercial**..... The engaging in the purchase, sale, barter or exchange of goods, wares, merchandise or services; the maintenance or operation of offices, or recreational and amusement enterprises for profit.
- Caliper** A measurement of the diameter of a tree trunk.
- Campground**..... An area or tract of land used or designed to accommodate two (2) or more camping parties, including cabins, tents, or other camping outfits.
- Car Wash** A structure, or portion thereof, containing commercial facilities for washing automobiles, using production line methods with a chain conveyor, blower, steam cleaning device, or other mechanical devices. This term includes a manually operated car wash facility when the operation is equivalent in intensity to a mechanized car wash.
- Cemetery** Land used for the burial of the dead and dedicated for Cemetery purposes, including columbariums, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery.
- Certificate Of Occupancy** A certificate signed by the Executive Director stating that the occupancy and use of land or a building or structure referred to therein complies with the provisions of the Code of Ordinances of Franklin County, Indiana; and any respective participating town.
- Church Or Place Of Worship** A building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose, such as a school, child care center or dwelling. Includes synagogue, temple, mosque, or other such place for worship and religious activities.
- Clinic, Medical and/or Dental**..... A building used for the care, diagnosis and treatment of sick, ailing, infirm or injured persons, and those who are in need of medical and surgical attention, but which building does not provide room and board or regular hospital care and services.

Club (Or Lodge)	Private buildings and facilities owned or operated by a person for a social, educational or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business.
Co-location	Locating wireless communication equipment for more than one provider on a single site.
Commercial Canoe Rental	Anyone engaged in renting canoes and/or any kind of floating water craft in Franklin County. Any privately owned land used for putting rental canoes in the river or taking rental canoes out of the river shall be considered as part of the canoe rental business and must meet all the zoning requirements. This applies whether or not there are improvements on the property.
Commercial Vehicle ¹	<p>A motor vehicle which meets one of the following criteria:</p> <ul style="list-style-type: none"> (1) A gross vehicle weight rating (GVWR) of at least 26,001 pounds; (2) Is designed to transport sixteen (16) or more passengers, including the driver; or (3) Any size vehicle carrying hazardous material which requires placarding.
Commission Or Plan Commission ..	The Franklin County Area Plan Commission.
Communication Antenna	Any device used for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service or any other wireless communications signals, including without limitation omnidirectional or whip antennas and directional or panels antennas, owned or operated by any person or entity licensed by the Federal Communications Commission (FCC) to operate such device. This definition shall not include private residence mounted satellite dishes or television antennas or amateur radio equipment including without limitation or ham or citizen band radio antennas.
Communications Equipment Building	An unmanned building or cabinet containing communications equipment required for the operation of communications antennas and covering and area on the ground not greater than 250 feet.

¹ As defined by the Commercial Motor Vehicle Safety Act of 1986.

Communications Tower	A structure other than a building, designed and used to support communications antennas. such as a monopole, self-supporting or guyed tower.
Communication Tower, Height of	The vertical distance measured from the average ground level of the area within the base of the tower, to the highest point on a communications tower, including antennas mounted on the tower.
Comprehensive Plan	A composite of all plans of land use, of thoroughfares, of sanitation, of recreation, and other related matters according to the requirements of the 500 Series of I.C. 36-7-4.
Condominium	is an apartment building in which apartments are owned individually. Condominium units would only be permitted in Unit Development Districts.
Confined Feeding Operation	Confined feeding means confined feeding of three hundred (300) or more cattle, six hundred (600) or more swine or sheep, or thirty thousand (30,000) or more fowl (at any one time) for food, fur, or pleasure in lots, pens, sheds, or buildings where the animals are confined for forty-five (45) days or more of a year (consecutive or non-consecutive) and where food is supplied to the animals only by means other than grazing.
Congregate Housing	See "Elderly Housing-Semi Independent Living Facilities". A residential facility of four or more elderly persons (age 60 or older) within which is provided living and sleeping facilities, meal preparation, laundry service, and cleaning. Such facility may also provide other services such as transportation and limited nursing services.
Construction	Includes building, erecting, moving, or any physical operations on the premises which are required for construction. Excavation, fill, paving, and the like shall be considered part of construction.
Contaminant	Any solid, semisolid, liquid or gaseous matter, any odor, any radioactive material, any pollutant as defined in the Federal Water Pollution Control Act, any hazardous waste as defined by the Resource Conservation and Recovery Act of 1976 (P.O. 94-580), or any combination thereof, from whatever source, which is injurious to human health, plant or animal life, or to property, or which is otherwise violative of

the provisions of this Code or Regulations adopted thereto.

County Franklin County, Indiana.

Cut An excavation. The difference between a point on the original ground and a designated point of lower elevation on the final grade. Also, the material removed in excavation.

Day Care Center As defined in IC 12-17.2, a day care center is a building or structure where care and supervision are provided, for a fee, to at least 17 children. A day care center may provide services to less than 17 children if the provider applies for a license under IC 12-17.2-4 and meets the requirements. In order to operate, the day care center must be licensed and comply with all regulations set forth in IC 12-17.2-4.

Day Care Home (Class I) As defined in IC 12-7-2-28.6 and IC 12-7-2-33.7 ("child care home class I"), a home day care is a residential structure where care, protection, and supervision are provided, for a fee, to more than six (6) children but not more than twelve (12) children at one time, not including children of the adult provider or any children who are at least seven (7) years of age. In order to operate, the home day care must be licensed and comply with all regulations set forth in IC 12-17.2-5.

Day Care Home (Class II) As defined in IC 12-7-2-28.6 and IC 12-7-2-33.8 ("child care home class II"), a home day care is a residential structure where care, protection, and supervision are provided, for a fee, to more than twelve (12) children but not more than sixteen (16) children at one time, not including children of the adult provider or any children who are at least seven (7) years of age. In order to operate, the home day care must be licensed and comply with all regulations set forth in IC 12-17.2-5.

Decibel A unit of measurement of the intensity of loudness of sound. Sound level meters are used to measure such intensities and are calibrated in decibels.

Density The number of dwelling units developed per acre of land.

Development Any man-made change to improved or unimproved real estate, including, but not limited to, buildings and

	other structures, mining, dredging, filling, grading, paving, excavating or drilling operations.
Development Plan	Specific plans for the development of real property that requires approval by the Plan Commission and which satisfies the requirements of Section 80.12.05 of this Code.
Directional Antenna	An antenna or array of antennas designed to concentrate a radio signal in a particular area.
Drainage	The movement of water from an area by stream or sheet flow and removal of excess water from soil by downward flow.
Drive-Through Facility	Any portion of a building or structure from which business is transacted, or is capable of being transacted, directly with customers located in a motor vehicle during such business transactions.
Dry Cleaning or Laundry Service	An establishment providing dry cleaning and laundering services where dry cleaning and/or laundering are done on the premises by hired employees.
Dry Cleaning or Laundry Service, Self-Service	An establishment providing coin-operated or similar self-service laundry and/or dry cleaning equipment for use on the premises.
Disposal	The discharge, deposit, injection, spilling, leaking, or placing of any solid waste or hazardous waste into or on any land or water so that such solid waste or hazardous waste or constituent thereof may enter the environment or be admitted into the air or discharged into any waters, including ground waters.
District	A section of the territory within the jurisdiction of the Franklin County Area Plan Commission for which uniform regulations governing the use, height, area, size and intensity of use of buildings and land, and open spaces about buildings are herein established.
Dwelling	A building or portion thereof, used primarily as a place of abode for one or more human beings, but not including hotels or motels, lodging or boarding houses or tourist homes.
	(1) A single-family dwelling is a detached building designed for or occupied by one family, exclusively.

- (2) A **two-family dwelling** is a detached building designed for or occupied by two families, exclusively.
- (3) A **multi-family dwelling** is a building designed for or occupied by three or more families, exclusively.

Dwelling Unit One room or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly, or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities.

Easement A right of the owner on one (1) parcel of land, by reason of such ownership, or a right of the public, to use the land of another for a special purpose as designated; a strip of land to be used by the general public, a corporation, a utility company, or a certain person for a specific reason, for purposes of providing services to property.

Executive Director The official employed by Franklin County Area Plan Commission and authorized to enforce the Planning and Zoning Codes of Franklin County, Indiana, and the participating Towns.

Explosive.....a chemical compound, mixture, or device, the primary or common purpose of which is to function by explosive. The term includes, but is not limited to, dynamite, black powder, pellet powder, initiating explosives, detonators, safety fuses, squibs, detonating cord, igniter cord, igniters and display fireworks, 1.3G (Class B, Special). The term “explosive” includes any material classified as an explosive other than consumer fireworks, 1.4G (Class C, Common) by the hazardous materials regulation of DOTn49CFR.

Family An individual or two or more persons related by blood, marriage or adoption, including foster children , living together as a single housekeeping unit in a dwelling unit and also including roomers, provided that the number of persons unrelated by blood, marriage, or adoption shall not exceed a total of five persons.

Farm..... A tract of land comprising an area which is devoted to agricultural operations, such as forestry; the growing of crops, pasturage; the production of livestock and poultry; the growing of trees, shrubs and plants; and

other recognized agricultural pursuits and including accessory buildings essential to the operation of the farm. Accessory buildings may include barns; equipment and animal sheds; roadside sales structure for the sale of products of the farm; and signs displaying subject matter directly related to the name or the products of the particular farm; but not including industrial or commercial operations or structures or confined feeding.

Farm House Or Farm Dwelling The principle dwelling or residence of the owner or operator of the farm.

Farm Implement Sales The use of land, buildings or structures for the sale, storage or repair of equipment and machinery directly associated with the operation of a farm.

Farm Livestock Animals are animals that are common to this region and are normally found on a farm such as swine, cattle, poultry, or equine.

Farm Seasonal Worker Housing A separate building used or intended to be used for seasonal accommodation of workers in which lodging with or without meals is supplied or intended to be supplied to such employees.

Farmstead Lot A tract of land located in the A-1 Prime Agriculture District, comprising a Farm House or Farm Dwelling built prior to February 1, 1989, and/or including accessory buildings essential to the operation of the Farm.

Federal Water Pollution Control Act The Federal Water Pollution Control Act, as amended and in effect on January 1, 1980, including amendments made by the Federal Water Pollution Control Act Amendments of 1972 (P.L. 92-500), and by the Clean Water Act of 1977 (P.L. 95-217). Other terms concerning hazardous waste not defined in this ordinance shall have the meanings ascribed to them in I.C. 13-1-1, I.C. 13-1-3, I.C. 13-1-6, I.C. 13-2-7, I.C. 16-1-26, or I.C. 36-9, or if not defined in the above cited portions of the Indiana Code, then the meanings ascribed by common usage.

Feeder Transmission Line..... is a cable or pipe that transports electric current, petroleum products, gases, or water from the utility to the consumer user.

Fill..... Any act by which earth, sand, gravel, rock or any other material is placed, pushed, dumped, pulled, transported or moved to a new location above the

natural surface of the ground or on top of the stripped surface and shall include the conditions resulting therefrom. The difference in elevation between a point on the original ground and a designated point of higher elevation on the final grade. The material used to make a fill.

Fireworks..... Any composition or device for the purpose of producing a visible or an audible effect for entertainment purposes by combustion, deflagration, or detonation that meets the definition of 1.4 or 1.3G fireworks as set forth herein.

- (1) **1.4G Fireworks** (formerly know as Class C, Common Fireworks). Small fireworks devices containing restricted amounts of pyrotechnic composition designed primarily to produce visible or audible effects by combustion. Such 1.4G fireworks which comply with the construction, chemical composition, and labeling regulations of the DOTn fireworks, UN 0336, and the U.S. Consumer Product Safety Commission set for the in CPSC 16 CFR: Parts 1500 and 1507, are not explosive materials for the purposed of this code.
- (2) **1.3G Fireworks** (Formerly Class B, Special Fireworks). Large fireworks devices, which are explosive materials, intended for use in fireworks displays and designed to produce audible or visible effects in combustion, deflagration, or detonation. Such 1.3G fireworks include, but are not limited to, firecrackers containing more than 130 milligrams (2 grains) of explosive composition, aerial shells containing more than 40 grams of pyrotechnic composition, and other display pieces which exceed the limits for classification as 1.4G fireworks. Such 1.3G fireworks, are also described as Fireworks, UN0335 by the DOTn.

Flash Point The lowest temperature at which a combustible liquid under prescribed conditions will give off a flammable vapor which will burn momentarily using the closed cup method.

Flea Market	An open area, structure, other than a street, used for the display or selling of antiques, new or used articles, produce, personal items, and etc.
Flood Plain	The area adjoining the river or stream which has been or may hereafter be covered by flood-waters.
Floor Area, Gross	The total area, computed on a horizontal plane, within the outside dimensions of a building. (See Section 80.08.04 for application to off-street parking under subsection [E].)
Floor Area, Net	The total area, computed on a horizontal plane, used for a particular business category; exclusive of entrances, hallways, stairs and other accessory areas used for ingress or egress.
Fraternity, Sorority Or Student Co-ops	A building used as group living quarters for students of a college, university or seminary, who are members of a fraternity or sorority that has been officially recognized by the college, university, or seminary.
Free Burning	A rate of combustion described by a material which burns actively and easily supports combustion.
Frontage	All the property on one side of a street between two intersecting streets (crossing or terminating) measured along the line of the street, or, if the street is deadened, then all of the property abutting on one side between an intersecting street and the dead end of the street.
Garage, Private	An accessory building with capacity for not more than three (3) privately owned motor vehicles, boats and trailers of the family resident upon the premises, not more than one (1) of which may be a truck of a rated capacity not exceeding three-fourths (3/4) ton on any lot. A garage designed to house two (2) motor vehicles, boats and trailers for each family housed in a two-family dwelling or a multi-family dwelling shall be classed as a private garage.
Garage, Public	Any building, except those defined herein as a "Private Garage," used for storage, or care of motor vehicles, or where such vehicles are equipped for operation, repaired, or kept for remuneration, hire or sale.
Gasoline Service Station	A building, place of business, land area, or other premises, or portion thereof, used or intended to be used for the retail dispensing of gasoline, oil and grease, and other vehicle fuels, and including, as an accessory use, the sale and installation of batteries,

tires, lubricants, and other automobile accessories and retail items. Incidental repair service may also be rendered. A gasoline service station may offer automotive wash services, fast food restaurant services, and/or convenience store services if allowed as a permitted use in the same zoning district.

- Grade (or Lot Ground Level)**..... (1) For buildings having walls adjoining one street only, the elevation of the sidewalk at the center of the wall adjoining the street;
- (2) For buildings having walls adjoining more than one street, the overage of the elevation of the sidewalk at the center of all walls adjoining the streets; and
- (3) For buildings having no wall adjoining the street, the average level of the ground adjacent to the exterior walls of the building. Any wall approximately parallel to and not more than five (5) feet from a street line is to be considered as adjoining the street.

Ground Floor Area The square foot area of a residential building within its largest outside dimensions computed on a horizontal plane at the ground floor level, exclusive of porches, breezeways, terraces, garages and exterior stairways or other devices. A ground floor may have split levels provided there is not more than a five-foot difference in elevations between the different levels of the floor. See "OCCUPIED SPACE" for Manufactured Dwellings.

Group Home for the Mentally or Physically Disabled..... Any home in which eight or fewer mentally or physically handicapped persons reside, and may include two additional persons acting as house-parents or guardians who need not be related to each other or to any of the mentally or physically disabled persons residing in the home.

Guyed Tower..... A communication tower that is supported, in whole or in part, by guy wires and ground anchors.

Hardship..... A perceived difficulty with regard to one's ability to improve land as a result of the application of the development standards of this Ordinance. In and of themselves, self-imposed situations and claims based on a perceived reduction of or restriction on economic gain shall not be considered hardships. Nor shall the purchase of land with actual or constructive

knowledge that, for reasons other than physical characteristics of the property, the development standards herein will inhibit the desired improvement, be considered a hardship. Nor shall any improvement initiated in violation of the standards of this Ordinance be considered a hardship.

Hazardous Materials

(or Hazardous Waste)..... A material which is defined in one or more of the following categories:

- (1) Ignitable: A gas, liquid, or solid which may cause fires through friction, absorption of moisture, or which has low flash points.
- (2) Carcinogenic: A gas, liquid, or solid which is normally considered to be cancer causing or mutagenic.
- (3) Explosive: A reactive gas, liquid, or solid which will vigorously and energetically react uncontrollably if exposed to heat, shock, pressure, or combinations thereof.
- (4) Highly Toxic: A gas, liquid, or solid so dangerous to man as to afford an unusual hazard to life.
- (5) Moderately Toxic: A gas, liquid, or solid which, through repeated exposure or in a single large dose, can be hazardous to humans.
- (6) Corrosive: Any material, whether acid or alkaline, which will cause severe damage to human tissue, or in case of leakage might damage or destroy other containers of hazardous materials and cause the release of their contents.

Health/Sport Club A building or portion of a building designed and equipped for the conduct of sports, exercise, leisure time activities, or other customary and usual recreational activities, operated for profit or not-for-profit and which can be open only to bona fide members and guests of the organization or open to the public for a fee. The sale of sports nutrition products, non-alcoholic beverages, packaged health foods, exercise clothing, and sports videos and magazines is permitted as an accessory use to such facilities.

Health Care Facility..... A licensed facility or institution, public or private, principally engaged in providing services for diagnosis and/or treatment of human disease, pain, injury, deformity or physical condition. Such facility may be a hospital, clinic or center, skilled nursing

	facility, extended care facility, or laboratory or central services facility serving one or more such institutions.
Health Officer	Any officer of authority, Franklin County Health Department, and the State Board of Health. Same as "COUNTY HEALTH OFFICER," includes County Sanitarium.
Home Occupation.....	Any activity performed for monetary gain in or directed from a dwelling unit by one or more residents of that dwelling unit which is located in a residential zone, provided that such activity meets the requirements set forth in Section 80.06.05.
Hospital	An institution licensed by the State Board of Health and providing health services primarily for in-patient medical or surgical care of the sick or injured and including related facilities such as laboratories, out-patient departments, training facilities, central service facilities and staff offices which are an integral part of the facility, provided such institution is operated by, or treatment is given under direct supervision of a licensed physician. Types of hospitals include general, mental, chronic disease and allied special hospitals such as cardiac, contagious disease, maternity, orthopedic, cancer and the like.
Hotel.....	A building in which lodging is provided and offered to the public for compensation and which is open to transient guests, in contradistinction to a boarding or lodging house.
Improvement Location Permit	A permit which may be combined with a BUILDING PERMIT signed by the Executive Director stating that a proposed improvement or use complies with the provisions of the Zoning Code.
Improvement Location Permit, Temporary.....	A TEMPORARY IMPROVEMENT LOCATION PERMIT is an IMPROVEMENT LOCATION PERMIT authorized by the Executive Director with a definite time limit attached thereto.
Industrial, Heavy	A use engaged in the basic processing and manufacturing of materials, or a use engaged in storage of or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.

Industrial, Light	Research and development activities, the manufacturing, compounding, processing, packaging, storage, assembly, and/or treatment of finished or semi-finished products from previously prepared materials, which activities are conducted wholly within an enclosed building.
Industrial Park	A single or group of structures for industrial operations forming a comprehensive arrangement of buildings, grounds, and access ways planned in accordance with harmonious principles of architectural and landscape architectural design, and industrial management.
Intense Burning	A rate of combustion described by a material that burns with a high degree of activity and is consumed rapidly.
International Residential Code.....	The nationally recognized model building code adopted by the State of Indiana Building Commissioner, and which includes those supplements and amendments promulgated by this agency.
Intersection Visibility.....	See Section 80.07.02.
Junk Yard	Any place at which personal property is or may be salvaged for reuse, resale, or reduction or similar disposition and is owned, possessed, collected, accumulated, dismantled, or assorted, including, but not limited to, used or salvage base metal or metals, their compounds or combinations, used or salvaged rope, bags, paper, rags, glass, rubber, lumber, millwork, brick and similar property except animal matter; and used motor vehicles, machinery or equipment which is used, owned or possessed for the purpose of wrecking or salvaging parts therefrom.
Jurisdiction Of The Commission	The unincorporated territory within Franklin County, Indiana, and the territory within the Towns of Laurel, Cedar Grove, Mount Carmel, Oldenburg, and Brookville, Indiana, the boundaries of which are shown on the Zone Map, dated 1988, as amended, which includes all of the area over which this Chapter is effective.
Kennel, Commercial	Any lot or premises on which are kept for breeding, boarding, or training purposes, or for sale, five (5) or more dogs, cats, or other domestic animals more than six (6) months of age.

Kennel, Private	Any lot on which four (4) or more dogs, cats or small animals, at least four (4) months of age, are kept.
Laboratory, Commercial	An establishment or facility that provides services related to scientific researching and testing.
Laboratory - Medical and Dental	A building where the only care given is incidental to the main laboratory use (testing and analysis) including but not limited to the taking of samples and fitting of medical devices.
Land Fill	An area used for the placement of solid waste, liquid waste, or other discarded material on or in the ground.
Land Use Intensity	The degree to which land is used; including, "livability space" landscaped pedestrian open space or recreation space, or minimum square footage of nonvehicular outdoor space or recreational space required for each square foot of floor area; the minimum number of parking spaces required for each living unit and the minimum number of parking spaces without parking time limits required for each living unit; and the maximum square footage and total floor area permitted for each square foot of land area.
Livestock	Any animal which has been domestic primarily for agricultural purposes, but not including house pets such as dogs, cats, canaries, or any other similar animal or fowl usually considered a house pet.
Loading And Unloading Berths	The off-street area required for the receipt or distribution by vehicles of material or merchandise.
Lodge	See "Club".
Lodging House	A building where lodging only is provided for compensation to three (3) or more, but not exceeding twelve (12) persons, not open to transients, in contradistinction to a hotel or lodge which is open to transients.
Lot	A parcel of land of at least sufficient size to meet the minimum zoning requirements of the zone in which it is located at the time at which it was created, and that has frontage and access on an improved public street, or on an approved private street or easement.
Lot Area	The horizontally projected area of a lot computed exclusive of any portion of a street, existing or proposed.
Lot, Corner	A lot at the junction of and having frontage on two or more intersecting streets.

Lot Coverage	The total ground area of a lot usually expressed as a percentage of the lot area that is covered, occupied or enclosed by principal and accessory buildings and structures.
Lot, Depth Of	The mean horizontal distance between the front lot line and the rear lot line of a lot, measured in the general direction of the side lot line.
Lot, Double Frontage	See "Lot, Through"
Lot, Flag	A lot with access provided to the bulk of the lot by means of a narrow corridor.
Lot Frontage	The linear distance of a lot measured at the front lot line where said lot abuts a street, measured between side lot lines.
Lot Ground Level	See "Grade".
Lot Line	The property line between two established parcels of land or one parcel and a public right-of-way or place.
Lot Line, Front	A line separating the lot from the street. Lots with frontage on more than one street shall have front lot lines on each side of the lot which abuts a street.
Lot, Interior	A lot other than a CORNER LOT or THROUGH LOT.
Lot Line, Rear	A lot line which is opposite and most distant from the front lot line and, in the case of an irregular or triangular shaped lot, a line ten (10) feet in length within the lot, parallel to and at the maximum distance from the front lot line.
Lot Line, Side	Any lot boundary line not a front lot line or a rear lot line. On a corner lot, the lot lines not abutting the street shall be considered side lot lines.
Lot Of Record	A lot which is part of a subdivision, the map of which has been recorded in the Office of the County Recorder of Franklin County, Indiana, or a parcel of land, the deed to which has been recorded in the Office of Franklin County Recorder.
Lot, Reversed Interior	An interior lot, the front lot line of which is formed by a street, which street also forms the side lot line of an abutting corner lot. The corner lot is considered abutting even though separated from the Interior Lot Line by an alley.
Lot, Through	A lot having frontage on two parallel, or approximately parallel streets. Also, DOUBLE FRONTAGE LOT.

Lot, Width	The dimension of a lot, measured between side lot lines on the building setback line.
Major Transmission Line.....	is a cable or pipe that transports electric current, petroleum products, gases, or water from a provider to the utility user only. Regardless of cable or pipe size.
Manufactured Home	A single family dwelling unit, designed and built in a factory and installed as a permanent residence, which bears a seal certifying that it was built in compliance with the National Manufactured Housing Construction and Safety Standards Act (1974 U.S.C. 5401 et seq.) The definition of a manufactured home shall not include mobile homes.
Manufacturing, Heavy.....	The use of land, buildings or structures for the purpose of manufacturing, assembly, making, preparing, inspecting, finishing, treating, altering, repairing, warehousing or storing or adapting for sale of any goods, substance, article, thing or service.
Manufacturing, Light.....	Light manufacturing includes: <ol style="list-style-type: none"> (1) Laboratory manufacturing: Operations involving the compounding of products such as perfumes, pharmaceutical and the development and assembly of instruments and similar items. (2) Light fabrication and assembly process: The manufacture of clothing, jewelry, trimming decorations and any similar item not involving the generation of noise, odor, vibration , dust or hazard.
Marquee	Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.
Mineral Extraction (or Mining)	All or any part of the process involved in the mining of minerals by removing overburden and mining directly from the mineral deposits, open pit mining or minerals naturally exposed, mining by auger method, dredging and quarrying, underground mining and surface work incidental to an underground mine.
Mini Warehouses or Self-Service Storage Facility.....	Any real property designed and used for the purpose of renting or leasing individual storage spaces to tenants who are to have access to such space for the purpose of storing and removing personal property.

Mobile Home.....	<p>A transportable vehicle which is greater than eight (8) feet in body width and longer than thirty-six (36) feet in body length and designed and constructed as a detached single-family dwelling unit with all of the following characteristics:</p> <ol style="list-style-type: none"> (1) Designed for long-term occupancy, and containing sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems, (2) Designed to be transported after fabrication on its own wheels, or on flatbed or other trailers or detachable wheels, (3) Arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy except for minor and incidental assembly operations, location on foundation supports, connection to utilities, and the like.
Mobile Home Lot.....	A designated site within a mobile home park or subdivision for the exclusive use of the occupants of a single mobile home, including a mobile home slab, lawn, driveway, and parking area for said occupants.
Mobile Home Park	A tract of land which has been developed with all necessary facilities and services in accordance with a development plan meeting all legal requirements and which is intended for the purpose of providing a site for five (5) or more manufactured homes, manufactured dwellings and/or mobile homes for human habitation, either free of charge or for revenue purposes, including any building, vehicle or enclosure used or intended for use as a part of the equipment of such MOBILE HOME PARK.
Mobile Home Slab or Foundation...	The solid material upon which the mobile home rests, consisting of a continuous concrete slab or a PERMANENT FOUNDATION.
Moderate Burning	A rate of combustion described by a material which supports combustion and is consumed slowly as it burns.
Modular Home	A single family dwelling unit, designed and built in a factory and installed as a permanent residence, which bears a seal certifying that it was built in compliance with Indiana Public Law 360, Acts of 1971. The definition of a modular home shall not include mobile

homes. Modular homes shall be regulated in the same manner as manufactured homes.

Monopole Tower A communication tower consisting of a single pole, constructed without guy wires and ground anchors.

Motel A building or detached building used as dwelling units containing bedroom, bathroom and closet space, and each unit having convenient access to a parking space for the use of the unit's occupants. The units, with the exception of the apartment of the manager or caretaker, are devoted to the use of automobile transients, and more than 50 percent of the lodging rooms are for rent to transient automobile tourists for a continuous period of less than 30 days.

Motor Bus Or Railroad

Passenger Station A facility designed to accommodate passengers who arrive and depart on commercial buses, or rail which may include management offices, bus parking or storage areas and personal services for passengers.

Neighborhood Recreational Area A private recreation area which is owned by a neighborhood association or a developer, and is only for the use of the residents of that subdivision.

Night Club An establishment dispensing liquor and/or meals and in which music, dancing, or entertainment is conducted, excluding adult or sexually oriented activities.

Nonconforming Lot Or Structure The lawful use of a building or structure or portion thereof, which was lawfully established and maintained but, because of the enactment of this code ,no longer conforms to the bulk regulations prescribed in the district in which it is located.

Nonconforming Use A use of land that was lawfully established and maintained but, because of the enactment of this code, no longer conforms to the use regulations of the zone in which it is located.

Nursing Home Any institution, whether operated for profit or not, including a place operated by a county or municipality, which undertakes through its ownership or management to provide for a period exceeding 24 hours, nursing care, personal care, or custodial care for three or more persons not related to the owner or manager by blood or marriage, who by reason of illness, physical infirmity, or advanced age require such services, but, in contradistinction to a hospital,

does not include any place providing care or treatment primarily for the acutely ill.

- Occupied Space**..... The total area of earth horizontally covered by the structure, excluding accessory structures such as, but not limited to, garages, patios and porches.
- Octave Band**..... A narrow range of sound frequencies which classify sounds according to pitch. In the octave band analyzer the audible sound spectrum is divided into eight octave bands.
- Office and Research Park**..... A tract of land that is planned and developed as a distinctive unit featuring landscaped open spaces and well designed structures to be used for research, offices, experimental, and testing laboratories, light industrial, storage and distribution facilities, and for necessary uses to the convenience of employees, and is controlled by an organization guaranteeing the continued maintenance of all commonly used areas and installations.
- Office Park**..... A development that contains a number of separate office buildings, supporting uses and open space designed, planned, constructed, and managed on an integrated and coordinated basis.
- Omnidirectional Antenna**..... An antenna that is equally effective in all directions and whose size varies with the frequency and gain for which it was designed.
- Opacity**..... A condition which renders material partially or wholly impervious to transmittance of light and causes obstruction of an observer's view.
- Open Space, Common** Undeveloped land within a subdivision that has been designated, dedicated, reserved, or restricted in perpetuity from further development and may be set aside for the use and enjoyment by residents of the development. Common open space shall not be part of individual residential lots. It shall be substantially free of structures, but may contain historic structures and archaeological sites including Indian mounds, and/or such recreational facilities for residents as indicated on the approved plat.
- Open Space, Private** The total horizontal area of a lot excluding the building area but including parking areas and recreational areas.
- Outdoor Storage**..... The storage of any material not in an enclosed building for a period of greater than forty-eight (48)

hours in any 30 day time period (whether consecutive or nonconsecutive), including items for sale or, lease, processing, and repair (including vehicles).

- Outdoor Storage, Seasonal**..... Outdoor storage of items for retail sale that are, by there nature, sold during a peak season, including such items as fruits, vegetables, Christmas trees, pumpkins, lawn accessories, bedding plants, etc.
- Park Management**..... The person who owns or has charge, care or control of a mobile home or recreational vehicle park.
- Parking Area**..... An area paved with a hard surface in accordance with county specifications, other than a street or alley, designed for use or used for the temporary parking of more than four motor vehicles when available for public use, whether free or for compensation, or as an accommodation for clients or customers.
- Parking Space**..... A space other than on a street or alley designed for use or used for the temporary parking of a motor vehicle, and being not less than 9 feet wide and 20 feet long exclusive of passageways. For computing purposes, the average area of passageways shall be at least 70 square feet per space. Accordingly, the minimum total average area for a parking space is 250 square feet.
- Parking Space, Handicap** A space in a garage or parking area which meets ADA Standards for Accessible Design, reserved exclusively for an automobile registered with the (state) with handicapped license plates or displaying an official city or state issued handicapped placard.
- Parking Structure**..... A structure designed to accommodate vehicular parking spaces that are fully or partially enclosed or located on the deck surface of a building. This definition includes parking garages, deck parking and underground or under building parking areas.
- Stacking Spaces**..... A portion of a parking area or a parking lot, other than a parking aisle or a parking space which provides standing room for vehicles in a queue.
- Participating Town**..... One or more of the Towns participating in the Franklin County Area Planning Department; specifically: Laurel, Cedar Grove, Mount Carmel, Oldenburg, and Brookville, Indiana.
- Particulate Matter** Finely divided liquid or solid material which is discharged and carried along in the air. This shall not include water droplets, commonly called steam.

Percolation Rate	The rate at which water flows or trickles through porous soils, as determined by a percolation test.
Performance Standard	Criterion established to control noise, odor, smoke, toxic or noxious matter, vibration, fire and explosive hazards, and glare or heat generated by or inherent in uses of land or buildings.
Permanent Foundation	Any structural system transposing loads from a structure to the earth at a depth below the established frost line without exceeding the safe bearing capacity of the supporting soil. (See I.C. 22-11-1-1.5.)
Permanent Perimeter Wall	An approved non-load-bearing perimeter structural system composed of a continuous solid or mortared masonry wall having the appearance of a permanent load-bearing foundation characteristic of site constructed homes, designed to support the loads imposed and extending below the established frost line.
Person	A corporation, firm, partnership, association, organization, or any other group acting as a unit, as well as a natural person or persons.
Plan Commission Or Commission Or Area Plan Commission	The Franklin County Area Plan Commission.
Plan Commission Staff	The Executive Director and any other persons the Plan Commission has employed or appointed to advise them on matters pertaining to Planning and Zoning.
Plat	A map or chart indicating the subdivision or re-subdivision of land, either filed or intended to be filed for record.
Premises	A lot, tract, or plat including buildings thereon, if any.
Professional Office	Office of a member or members of a recognized profession as defined by the United States Bureau of the Census.
Public Improvement	Any drainage ditch, street, highway, parkway, sidewalk, pedestrian-way, tree, lawn, off-street parking area, lot improvement, or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which local government responsibility is established.
Public Utility Installations	The erection, construction, alteration, or maintenance by public utilities, municipal departments, commissions or common carriers of underground,

surface or overhead gas, oil, electrical, steam, pipes, conduits, cables, fire alarm boxes, poles, wires, mains, drains, sewers, police call boxes, traffic signals, hydrants, towers and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utility or municipal departments or commissions or for the public health or safety or general welfare. Public utility installations shall not include terminal facilities, treatment plants, processing plants, or the like.

Race Track..... A course designed for contests of speed, including car, motorcycle, bicycle, dog, horse, or similar races.

Recyclable Collection Center/

Solid Waste Transfer Station..... A facility for the collection, separation, compaction, processing and storage of solid waste or recyclable materials until said waste can be transported or transferred to a sanitary landfill or other facility approved and licensed for the disposal of solid wastes or the recycling of materials by the State of Indiana.

Recreational Vehicle or Trailer A vehicular, portable unit designed for travel, camping or recreational use, including but not limited to the following:

- (1) **Travel Trailer:** A vehicular, portable dwelling unit built on a chassis, being of any length, provided its gross weight does not exceed forty-five hundred pounds, or being of any weight provided its overall length does not exceed twenty-eight feet.
- (2) **Pick-up Camper:** A portable dwelling unit designed to be mounted on a pick-up truck or chassis, whether or not so mounted.
- (3) **Motorized Camper:** A portable dwelling designated and constructed as an integral part of a self-propelled vehicle.
- (4) **Tent Trailer:** A folding structure, constructed of canvas, plastic or similar water repellant material, designed to be mounted on wheels to be used as a temporary dwelling.
- (5) **Boat Trailer:** A vehicle without motive power, designed to be drawn by a motor vehicle and designed for the hauling or storage of a boat, aircraft, snowmobile, jet ski or any other recreational vehicle.

- Recreational Vehicle Park.....** A tract of land which has been developed with all necessary facilities in accordance with a site development plan meeting all legal requirements and which is for short term occupancy by recreational vehicles only. It shall include, but not be limited to, travel trailers, pick-up coaches, motor homes, camping trailers, and tents.
- Recreation Facility, Indoor.....** An establishment designed and equipped for the conduct of sports, leisure activities and other recreational activities wholly within an enclosed building. Examples of such uses include but are not limited to health or fitness centers, indoor play areas, training studios for martial arts, gymnastics, and dance, bowling alleys, shooting ranges and skating rinks.
- Recreation Facility, Outdoor** Outdoor recreation includes one or more of the following uses: riding clubs, polo fields, horse shows, hunter trails, and other equestrian sports; conservation clubs, Girl Scout and Boy Scout lodges or clubhouses, private parks or playgrounds, archery ranges, and other outdoor recreation uses approved by the Board of Zoning Appeals; and accessory uses, buildings, and structures such as off-street parking and loading facilities, administration, maintenance, and clubhouse building. Outdoor recreation may be private recreational developments or outdoor commercial recreational enterprises. Commercial Recreational Enterprises may be included in Outdoor Commercial Enterprises which may include certain types of business or commercial uses.
- Regulatory Flood** Any flood having a peak discharge which can be expected to be equaled or exceeded on the average of one in a hundred-year period as calculated by a method and procedure which is acceptable to and approved by the Indiana Natural Resources Commission. This flood is equivalent to a flood having the probability of occurrence of one percent (1%) in any given year.
- Research and Development
Establishment/Laboratory.....** An establishment or other facility for carrying on investigation in the natural, physical or social sciences, which may include engineering and product development.

Restaurant	A commercial establishment where food and beverages are prepared, served, and consumed primarily within the principal building.
Restaurant, Carry-Out/Take-Out	Establishments where food is usually ordered by telephone and prepared on the premises for consumption off the premises. The establishment may deliver food to the customer or the customer may pick food up.
Restaurant, Drive-In or Drive-Through	An establishment whose primary business is serving food to the public by order from and service to vehicular passengers outside the structure.
Restaurant, Fast-Food.....	Restaurants where most customers order and are served their food at a counter or in a motor vehicle in packages prepared to leave the premises, or able to be taken to a table or counter to be consumed.
Restricted Commercial Farm Enterprise.....	<p>An operation or use which is inherent to or closely associated with a farm or agriculture, but not including industrial grain elevators, industrial mills, abattoirs, the manufacture of commercial fertilizer and similar operations which are of an industrial nature. Also, a restricted commercial farm enterprise is any similar operation which may:</p> <ol style="list-style-type: none"> (1) Cause stream pollution by the disposal of wastes discharged into streams thus endangering water supply and health, or (2) Release odors to the atmosphere beyond the boundary of the property, which may be strong and beyond the normal expectancy of a farm operation, or (3) Create any unusual or loud noises audible beyond the normal expectancy of a farm operation, or (4) Emit poisonous and injurious fumes and gases beyond the boundaries of the property, or (5) Cause the emission of smoke or particulate matter, or (6) Cause any undue vibration or excessive glare or heat beyond the boundaries of the property, or (7) Because of the location of its facilities, influence adversely the uses of adjacent properties, either existing or proposed.

Ringelmann Number	The number of the area on the Ringelmann Chart that most nearly matches the light-obscuring capacity of smoke. The Ringelmann Chart is described in the U.S. Bureau of Mines, U.S. Department of Interior, Information Circular 8333 (Revision of IC 7718) May 1, 1967, or any adaptation thereof which has been approved. The Chart illustrates graduated shades of gray for use in estimating smoke density. See Definition of OPACITY.
Right-Of-Way	A strip of land acquired by reservation, dedication, prescription, or condemnation and intended to be occupied by a street, trail, waterline, sanitary sewer, and/or other public utilities or facilities.
Roof Line	A horizontal plane, projected parallel to the primary plane of a building, floor and touching the primary roof plane on the building.
Runoff	The surface water discharge or rate of discharge of a given watershed after a fall of rain or snow that does not enter the soil but runs off the surface of the land. Runoff from a fully developed area upstream shall mean the surface water runoff that can be reasonably anticipated upon maximum development of that area of the watershed located upstream from the subject tract, as permitted by prevailing zoning or the comprehensive plan.
School	A facility that provides a curriculum of elementary and secondary academic instruction, including kindergartens, elementary schools, junior high schools and high schools, whether public, private, or parochial.
School, Special	Any school which has as its primary purpose the instruction, care, and rehabilitation of atypical or exceptional children or adults such that the usual statutory educational requirements expressly or implicitly do not apply.
Sedimentation	The process by which mineral or organic matter is accumulated or deposited by moving, wind, water, or gravity. Once this matter is deposited (or remains suspended in water), it is usually referred to as "sediment."
Senior Housing	See "Elderly Housing - Independent Living Facilities" . A building or group of buildings containing dwelling units where the occupancy of the dwelling is restricted to persons 60 years of age or older, or couples where

either the husband or wife is 60 years of age or older. This does not include a development that contains convalescent or nursing services.

- Service Drive, Commercial** A street other than a frontage street that runs parallel or generally parallel to the frontal street and mainly located in the space to the rear of the building(s).
- Sexually-Oriented Business** An establishment other than a hotel, motel, or similar establishment offering public accommodations, which for any form of consideration provides a place where any number of persons may congregate, associate, or consort in connection with specified sexual activities or the exposure of specified anatomical areas. See also "adult book store", "adult motion picture theatre", "adult videotape store", and "adult entertainment."
- Shopping Center** An architectural and functional grouping of retail stores, and appropriate associated and accessory uses, which is the central feature of a development plan composed of building areas, parking areas, access streets and. circulatory ways for vehicles and pedestrians, landscape and open space areas and other land features appropriate for its operation as a business enterprise. Shopping centers may be designed to serve residential neighborhoods or communities .**Sign** Any device, fixture, placard, structure, display, or illustration that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of or identify an object, product, place, activity, business, person, service or interest, or to communicate information of any kind to the public.
- Sign, Advertising (or Billboard)** An off-site sign which directs attention to a business or product which is not associated with the primary use, business, activity, or service conducted on the premises.
- Sign, Animated** Any sign that uses movement or change of lighting to depict action or create a special effect or scene.
- Sign, Banner** A sign of light-weight, flexible, and temporary material such as cloth or plastic which is attached to a building, structure, or other support in such a manner as to allow movement caused by the atmosphere.
- Sign, Barber pole** Rotating or stationary cylindrical poles of the traditional red and white or red, white and blue spiral striped design, identifying the premises as a barber shop.

Sign, Business Center

Identification..... Signs which identify a business center, and not the individual businesses located therein.

Sign, Business

Identification..... Signs which identify a building, business, professional center or industry.

Sign, Canopy Any sign that is a part of or attached to an awning, canopy or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area.

Sign, Changeable Copy Signs designed to be used with removable graphics which will allow changing of copy. A sign on which the message changes more than eight (8) times per day shall be considered an animated sign and not a changeable copy sign.

Sign, Community Activity Signs associated with a religious, charitable, cultural, civic or educational organization.

Sign, Construction Announcement..... Signs placed on property upon which construction is to take place, or is taking place, which contain information regarding the individuals and firms directly connected with the construction project, including the name of the contractor, the subcontractors, the real estate licensee, and the possible future tenants.

Sign, Directory A sign or set of similarly designed individual signs, placed or displayed in sequence, to list all or part of the businesses within a building or business center.

Sign, Electronic Message Board..... Any sign that uses changing lights to form a sign message or messages wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes.

Sign Facing..... The surface of the sign upon, against or through which the message of the sign is exhibited.

Sign, Flag..... Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.

Sign, Flashing Any illuminated sign on which the artificial light is not maintained stationary and/or constant in intensity and color at all times when such sign is in use. For the purpose of this Ordinance, any revolving, illuminated sign shall be considered a "flashing sign".

Sign, Free Standing	Any sign attached to a self-supporting sign structure standing on the ground, which is essentially unattached to any other structure. Signs mounted on architecturally integrated extensions of buildings are not considered free standing. Free standing signs may be monument, pole, or pylon style signs.
Sign, Gasoline Price	On premise signs identifying the brand and/or type and price of gasoline sold.
Sign, Incidental	A sign, generally informational, that has a purpose secondary to the use of the zone lot on which it is located, such as "no parking", "entrance", "loading only", "telephone", and other similar directives. No sign with a commercial message legible from a position off the zone lot on which the sign is located shall be considered incidental.
Sign, Institutional	Signs identifying the premises of, or announcing the activities conducted by a church, school, hospital, rest home, or similar institutional facility.
Sign, Monument	A sign which is completely self-supporting, has its sign face or base on the ground and has no air space, columns or supports visible between the ground and the bottom of the sign.
Sign, Off Premise	Signs identifying a business activity, property or product at some location other than where the sign is displayed.
Sign, Pennant	Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.
Sign, Pole	A sign erected and maintained on a freestanding mast or pole or other support so that the bottom edge of the sign face is six feet or more above finished grade.
Sign, Portable	Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to: signs designed to be transported by means of wheels; signs converted to A- or T-frames; sign boards; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said

vehicle is used in the normal day-to-day operations of the business.

- Sign, Projecting**..... A sign characterized by its attachment at an angle with the face of the building as opposed to being mounted flat on the surface of a building.
- Sign, Pylon**..... A freestanding sign which has a vertical dimension greater than its horizontal dimension and which has a sign face within close proximity of the ground but separated from ground level by two or more supports such as poles or columns.
- Sign, Roof** A sign that is mounted or painted on the roof of a building, or that is wholly dependent upon a building for support and that project above the roof.
- Sign Structure**..... The supports, uprights, bracing and frame work for the sign.
- Sign Surface**..... The entire area within a single continuous perimeter enclosing all elements of the sign which form an integral part of the sign and which are organized, related and composed to form a single unit. Where matter is displayed in a random manner without organized relationship of elements, or where there is reasonable doubt about the relationship of elements, each element shall be considered to be a single sign.
- Sign, Suspended** A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.
- Sign, Time and Temperature**..... Signs displaying the time or the temperature, or both.
- Sign, Wall**..... Permanent signs mounted on the building which identify the building and/or which identify the business or profession or industry, or combination thereof conducted on the premises.
- Sign, Window**..... Temporary signs constructed of paper, cloth or similar expendable material that are placed inside a window or upon the window panes or glass and are visible from the exterior of the window.
- Slope**..... The face of an embankment or cut section; any ground whose surface makes an angle with the plane of the horizon. Slopes are usually expressed in a percentage based upon vertical difference in feet per 100 feet or horizontal distance.

Sludge	Residual material produced by water or sewer treatment processes, industrial processes, or domestic septic tools.
Slow Burning Or Incombustible	Materials which do not in themselves constitute an active fuel for the spread of combustion. A material which will not ignite, nor actively support, combustion during an exposure for five (5) minutes to a temperature of 1200 degrees F.
Smoke	Small gas-borne particles resulting from incomplete combustion, consisting predominantly but not exclusively of carbon, ash and other combustible material that form a visible plume in the air.
Smoke Unit	The number obtained when the smoke density in Ringelmann number is multiplied by the time of emission in minutes. For the purpose of this calculation, a Ringelmann density reading shall be made at least once a minute during the period of observation. Each reading is then multiplied by the time in minutes during which it is observed. The various products are then added together to give the total number of smoke units observed during the entire observation periods.
Soil Stabilization	Chemical or structural treatment of a mass of soil to increase or maintain its stability or otherwise improve its engineering properties.
Solid Waste	Any garbage, refuse, sludge from a waste treatment plant, sludge from a water supply treatment plant, sludge from an air pollution control facility, or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, or agricultural operations or from community activities. Solid waste does not include sludge from domestic sewage. See IC 13-11-2-205 for a complete definition of solid waste. Solid waste disposal shall be regulated under the rules of the following agencies: the Indiana Department of Environmental Management (IDEM), the Indiana State Department of Health, the Franklin County Health Department, and the Southeastern Indiana Regional Waste District.
Specified Anatomical Area	(1) Less than completely and opaquely covered human genitals, pubic region, buttocks, or female breast below a point immediately above the top of the areola; or

	(2) human male genitals in a discernable turgid state, even if completely or opaquely covered.
Specified Sexual Activities.....	(1) Human genitals in a state of sexual stimulation or arousal;
	(2) acts of human masturbation, sexual intercourse or sodomy; or
	(3) fondling, erotic display or erotic touching of human genitals, pubic region, buttocks or breasts, even if completely and opaquely covered.
Story	That portion of a building, included between the surface of any floor and surface of the floor next above it. If there is not floor above it, then the space between such floor and the ceiling next above it shall be the story.
Story, Half	That portion of a building under a sloping, gable, hip, or gambrel roof, the wall plates on at least two opposite exterior walls of which are not more than three (3) feet above the floor level of such half-story.
Street	A right-of-way or thoroughfare, other than an alley, or place dedicated or otherwise legally established for public use, usually affording the principal means of access to abutting property.
Street, Frontage	A street that runs parallel to the frontal street and located within the space between the building(s) and the frontal street.
Structural Alteration	Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams, or girders, or any substantial change in the exterior walls or the roof.
Structure	Anything constructed or erected which requires location on the ground.
Subdivision.....	The division of a lot, tract or parcel of land into two or more lots, tracts or parcels as defined in Chapter 81 of the Code of Ordinances of Franklin County, Indiana, and the Code of Ordinances of the participating Towns.
Supermarket or Grocery Store	A retail establishment primarily selling food as well as other convenience and household goods.
Swale.....	A low-lying stretch of land which gathers or carries surface water runoff.

Swimming Pool, Family	an artificial body of contained water more than eighteen (18) inches in depth, with a controlled water supply, designed for wading and swimming and used, or intended to be used, solely by the owner, or lessee thereof, and his family and by friends invited to use it without payment of any fee.
Swimming Pool, Public	Any swimming pool which has been modified, improved, constructed, or installed for the purpose of public swimming and includes pools for community use, pools at apartments having five (5) or more living units, clubs, camps, schools, institutions, park and recreation areas, motels, hotels, and other commercial establishments.
Thoroughfare, Arterial	A street designated for large volumes of traffic movement. Certain arterial streets may be classed as limited access highways to which entrances and exits are provided only at controlled intersections and access is denied to abutting properties.
Tourist Home.....	A building in which one but not more than five (5) guest rooms are used to provide or offer overnight accommodations to transients for compensation.
Top Soil	Surface soils and subsurface soils which presumably are fertile soils and soil material, ordinarily rich in organic matter of humus debris. Top soil is usually found in the uppermost soil layer called the "A Horizon."
Town	The incorporated Town of Laurel, Cedar Grove, Mount Carmel, Oldenburg, and Brookville, Indiana.
Townhouse	A two or two and one half story dwelling, which may include a basement, and which is normally an integral part of an apartment or multi-family use as set forth in this Code.
Trade Or Business School.....	Secretarial or business school or college when not publicly owned or not owned or conducted by or under the sponsorship of a religious, charitable or non-profit organization; or a school conducted as a business enterprise for teaching instrumental music, dancing, barbering or hair dressing, drafting or for the teaching of industrial or technical arts.
Treatment Of Hazardous Waste	Any method, technique, or process, designed to change the physical, chemical, or biological character or composition of any hazardous waste so as to neutralize such waste or so as to render such waste

non-hazardous, safer for transport, amenable for recovery, amenable for storage, or reduced in volume. This term includes any activity or processing designed to change the physical form or chemical composition of hazardous waste so as to render it non-hazardous.

Truck Terminal A facility which includes the parking, storing, loading, unloading and/or maintenance of three (3) or more for hire, property-carrying vehicles.

University Or College..... A public or private institution providing full-time or part-time education beyond the high school level and including any lodging rooms or housing for students or faculty. Trade and business schools are not considered colleges or universities.

Use The employment or occupation of a building, structure or land for service, benefit or enjoyment to a person.

Use, Nonconforming..... See Nonconforming Use.

Variance..... A modification of the specific requirements of this Code granted by the Board in accordance with the terms of this Code for the purpose of assuring that no property, because of special circumstances applicable to it, shall be deprived of privileges commonly enjoyed by other properties in the same vicinity and district.

Veterinary Clinic A use or structure intended or used primarily for the testing and treatment of animals on an emergency or outpatient basis. Animal clinic shall not include the boarding or training of animals, except for medical purposes, and shall not provide outdoor runs or kennels.

Veterinary Hospital..... A use or structure intended or used primarily for the testing and treatment of the disorders of animals, including the indoor boarding of animals for such purpose, but not the training or grooming of animals.

Vibration Oscillatory motion transmitted through the ground.

Warehouse..... A building or portion thereof used for the storage of goods and/or materials. This term shall include, but not be limited to, industrial storage facilities, and other uses similar in nature and impact.

Warehousing and Distribution Establishments involved in storing, stocking or distributing of merchandise or commodities.

Wastewater..... Any combination of water-carried wastes from institutional, commercial, and industrial

	establishments, and residences together with any storm, surface water, or groundwater, as may be present.
Wastewater Treatment Plant	Any arrangement of devices and structures used for treating wastewater.
Watercourse	A permanent stream; intermittent stream; river; brook; creek; channel or ditch for water whether natural or manmade.
Whip Antenna	An antenna that is long and thin that transmits and/or receives radio frequency signals in a 360 degree radial pattern.
Wholesale Goods Establishment.....	A building, property, or activity, the use or purpose of which is the sale of goods, products, or merchandise, in bulk quantities to retailers or persons who will in turn sell the goods, products or merchandise directly to the consumer. "Wholesale Goods Establishment" shall not include any use or other type of establishment that is otherwise listed specifically on a zoning district as a permitted or special use.
Yard	A space on the same lot with a building, which is open, unoccupied and unobstructed by structures, except as otherwise provided in this Code.
Yard, Front.....	A yard extending across the full width of the lot or in the case of a corner lot extending also along the length of the lot abutting the side street.
Yard, Rear	A yard extending across the full width of the lot between the rear of the principal building and the rear lot line.
Yard, Side	A yard between the building and side lot line, extending from the front yard or from the front lot line where no front yard is required, to the rear yard.
Zone Map	A map entitled: "Zone Map, Franklin County, Indiana," dated 1988, and any amendments thereto.
Zoning District.....	A section of the territory within the Jurisdiction of the Franklin County Area Plan Commission for which uniform regulations governing the Use, Height, Area, Size, and Intensity of Use of Buildings and Land, and open spaces about buildings, are herein established.

03. ESTABLISHMENT OF DISTRICTS AND ZONE MAP

TABLE OF CONTENTS

Section 80.03.01: Establishment of Districts and Zone Map	43
Section 80.03.02: Application Of District Regulations	43
Section 80.03.03: Subdivision of Land.....	44
Section 80.03.04: Zone Map	44
Section 80.03.05: Interpretation Of District Boundaries	45

SECTION 80.03.01: ESTABLISHMENT OF DISTRICTS AND ZONE MAP

DISTRICTS AND DESIGNATIONS

For zoning purposes, the territory within the jurisdiction of the Franklin County Plan Commission is hereby classified and divided into seventeen (17) districts with the following names and designations:

<u>District</u>	<u>Designation</u>
<u>n</u>	<u>Type of District</u>
A-1	Prime Agriculture
A-2	Secondary Agriculture
R-E	Recreation
R-1	Single-family Residence
R-2	Single-family & Two-family Residence
R-3	Multi-family Residence
LB	Local Business
CB	Central Business
PB	Planned Business
GB	General Business
I-1	Enclosed Industrial
I-2	Open Industrial
PUD	Planned Unit Development
FP	Flood Plain Overlay
HD	Historic District Overlay
WD	Whitewater River Scenic District Overlay

SECTION 80.03.02: APPLICATION OF DISTRICT REGULATIONS

The regulations set forth in this Chapter within each district shall be minimum regulations, and they shall apply uniformly to each class or kind of structure or land, except as hereinafter provided.

- A. No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, moved, or structurally

altered except in conformity with all of the regulations herein specified for the district in which it is located.

- B. No building shall be erected, reconstructed or structurally altered in any manner which will encroach upon, or reduce in any manner, the yards, lot area per family, ground floor area of dwellings, or lot coverage provisions established and specified for the use and the district in which such building is located, or in any other manner contrary to the provisions of this Code.
- C. No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this Code, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.
- D. No yard or lot existing at the time of passage of the Code comprising this Chapter shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of the said Code shall meet at least the minimum requirements established by this Code.

SECTION 80.03.03: SUBDIVISION OF LAND

The subdivision of land pursuant to the requirements of the Franklin County Subdivision Control Ordinance shall be permitted in the following districts: A-1, A-2, R-E, R-1, R-2, R-3, LB, CB, PB, GB, I-1, I-2, and PUD. Subdivision shall further be permitted within the FP, HD, and WD overlay districts in accordance with the sections of this Code regulating development in those areas. However, only Planned Unit Developments shall be permitted in PUD districts, as per Section 80.05.08 of this Code, and only Cluster Subdivisions shall be permitted in the A-1 and A-2 Agricultural Districts.

SECTION 80.03.04: ZONE MAP

A. A PART OF THE CODE

- 1. The Zone Map, which accompanies and is hereby declared to be a part of this Code, shows the boundaries of the area covered by the districts. Notations, references, indications and other matters shown on the Zone Map are as much a part of this Code as if they were fully described herein.
- 2. The Flood Plain District (areas subject to inundation by the regulatory flood) as identified by the Federal Insurance Administration on the Flood Insurance Rate Maps (FIRM), latest printing; along with any subsequent revisions to the text of the federal criteria of the National Flood Insurance Program (NFIP) CFR 44, Chapter 60 3[d], are hereby adopted by reference and made a part of this Chapter as if fully described herein, and the boundaries thereof shall overlay the boundaries of any other district shown on the Zone Map.

B. VERIFICATION

The Official Zone Map shall be identified by the signature of the County Commissioners attested by the County Auditor, and bearing the seal of the County under the following words: "This is to certify that this is the Official Zone Map referred to in the "Area Zoning Code of Franklin County, Indiana ", adopted _____, 2008.

C. FUTURE MAP ENTRIES

If, in accordance with the provisions of this Code, changes are made in district boundaries or other matter portrayed on the Official Zone Map, such changes shall be entered on said map promptly after the amendment has been approved by the County Commissioners, with an entry on the Official Zone Map as follows: "On (date) by official action of the Commission, the following changes were made in the Official Zone Map: (brief description of the nature of the changes)," No amendment to this Code which involves matter portrayed on the Official Zone Map shall become effective until after such change and entry has been made on said map.

D. CHANGES

No changes of any nature shall be made in the Official Zone Map or matter shown thereon except in conformity with the procedures set forth in this Code. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this ordinance and punishable as provided under Section 80.14 of this Code.

E. LOCATION OF ZONING MAP

Regardless of the existence of purported copies of the Official Zone Map which may from time to time be made or published, the Official Zone Map which shall be located in the office of the Area Plan Commission shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the County.

F. DAMAGED, LOST OR DESTROYED MAP

In the event the Official Zone Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the County Commissioners may direct the Plan Commission to prepare a new Official Zone Map which shall supersede the prior map upon approval by the County Commissioners. The new Official Zone Map may correct drafting or other errors or omissions in the prior map, but no such correction shall have the effect of amending the original Official Zone Map or any subsequent amendment thereof. The new Official Zone Map shall be identified by the signature of the County Commissioners attested by the County Auditor and bearing the seal of the County under the following words: "This is to certify that this Official Zone Map supersedes and replaces on this day (date) the Official Zone Map adopted (date of adoption of map being replaced) as part of Ordinance Number ____ of Franklin County, Indiana".

G. MAP TO BE PRESERVED

Unless the prior Official Zone Map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining shall be preserved, together with all available records pertaining to its adoption or amendment.

SECTION 80.03.05: INTERPRETATION OF DISTRICT BOUNDARIES

Where uncertainty exists as to the boundaries of districts as shown on the Zone Map, the following rules shall apply:

A. CENTERLINES OF STREETS AND BOUNDARIES

Unless otherwise indicated, the district boundary lines are the center lines of streets, parkways, alleys or railroad rights-of-way, or such lines extended.

B. EXISTING LINES

Boundaries indicated as approximately following section lines, half-section and quarter-section lines, Town corporate limit lines, or platted lot lines shall be construed as following such lines.

C. RAILROAD LINES

Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.

D. SHORE LINES AND WATERWAYS

Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore lines shall be construed as moving with the actual shore lines. Boundaries indicated as approximately following the center lines of streams, creeks, lakes or other bodies of water shall be construed to follow such center lines.

E. USE OF SCALE ON ZONE MAP

Boundaries indicated as parallel to or extensions of features indicated in subsections [A]through [D] above shall be so construed. Distances not specifically indicated on the Zone Map shall be determined by the scale of the Map.

F. BOARD MAY DETERMINE

Where physical or cultural features existing on the ground are at variance with those shown on the Zone Map, or in other circumstances not covered by subsections [A] through [E] herein, the Board of Zoning Appeals shall interpret the district boundaries.

G. VACATIONS, AND RELOCATIONS

The vacation or relocation of rights-of-way and lot lines shall not affect the location of district boundaries; provided, however, whenever any right-of-way is vacated by proper authority, the districts adjoining each side of such vacation shall be extended automatically to the center of such vacation.

H. LINES SPLITTING LOTS

1. Where a boundary line of a district divides a lot having frontage on a street so that the front part of the lot lies in one district and the rest of the lot lies in another, use requirements and restrictions that apply to the front part of the lot apply to the entire lot.
2. Where a district boundary line divides a lot which does not have frontage on a street or has frontage on more than one street, the Board of Zoning Appeals, upon appeal, shall interpret the applicable regulations for either portion of the lot not to exceed 50 feet beyond the district boundary line into the remaining portion of the lot.

04. EXPLANATION OF USE CLASSIFICATIONS

TABLE OF CONTENTS

Section 80.04.01: Principal Uses	47
Section 80.04.02: Special Exceptions.....	47
Section 80.04.03: Accessory Uses	49
Section 80.04.04: Temporary Uses	52
Section 80.04.05: Nonconforming Buildings And Uses.....	54

SECTION 80.04.01: PRINCIPAL USES

- A. A Principal Use is defined as the primary use to which a property is devoted and as the main purpose for which the property exists. A principal use may be authorized as either a permitted use or a special exception. Permitted uses are those uses which are allowed without special permission of the Board of Zoning Appeals, given that they follow the provisions set forth in this Code. Special Exceptions are only permitted following a public hearing and approval by the Board of Zoning Appeals, in accordance with Section 80.04.02 of this Ordinance.
- B. In any district, no more than one (1) principal structure and its customary accessory uses shall be located on a single lot; except that primary structures designed and platted as a single unit under single ownership and control, such as a multi-family residential project, shopping center, office park, or combined industrial operations, may be permissible on a single lot under the terms of this Ordinance.

SECTION 80.04.02: SPECIAL EXCEPTIONS

A. DEFINITION AND BASIS OF APPROVAL

Special Exceptions are those uses that, because of potential incompatibility and negative impact on the immediate neighborhood, require a greater degree of scrutiny and review of site characteristics and impacts to determine their suitability in a given location. Therefore, the determination of special exceptions as appropriate shall be contingent on their meeting the standards inclusive in this Section, the provisions of their respective zoning districts, and the weighing, in each case, of the public benefit and need against the local impact.

- B. Uses which are considered by Franklin County to be Special Exceptions are indicated as such on the Use Matrix located in the Appendix.

The use approved shall be subject to any regulations or requirements imposed as a part of the special exception, in addition or in place of the other regulations and requirements of this Code. The provisions of a special exception shall replace and supersede the provisions of the base zone or zones, effective upon either construction of any facilities approved as a part of the special exception or upon beginning of operation of the use or uses specified, whichever occurs first. The provisions shall remain in effect until such time as the special exception use ceases to operate. Immediately prior to reuse of the structures or facilities used for the special exception,

the provisions of the special exception shall become invalid and the regulations and requirements of the base zone or zones shall again be in effect.

C. PROCEDURE FOR APPROVAL

Upon receipt of an application for a special exception, the Executive Director shall refer the application to the Board of Zoning Appeals for public hearing and approval or denial of the petition.

1. Upon such hearings, if the Board finds that:

- a. the Special Exception will be located in a District where such use is permitted and that all other requirements set forth in this Code, applicable to such Special Exception will be met;
- b. the establishment, maintenance, or operation of the special exception will not be detrimental to or endanger the public health, safety, or general welfare;
- c. the special exception will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;
- d. the establishment of the special exception will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district;
- e. adequate utilities, access roads, drainage and other necessary facilities have been or are being provided;
- f. adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets; and
- g. The establishment of the Special Exception is not in conflict with the goals of the Comprehensive Plan or of this Zoning Code; then

The Board shall direct the Executive Director, to issue an Improvement Location Permit for such special exception; otherwise, the Board shall direct the Executive Director to reject the application. The findings of the Board and its order to the Executive Director shall be in writing.

2. The Board may impose additional conditions to assure that the special exceptions will conform to the intent of this Code. These additional conditions may include, but are not limited to, the provisions of the following:

- a. off-street parking and loading areas, with particular attention to the economic, noise, glare, or odor effects of the special exception on adjoining properties and properties generally in the district.
- b. Refuse and service areas.
- c. Special screening and buffering with reference to type, dimensions, and character.
- d. Signs and proposed exterior lighting with reference to glare, traffic, safety, economic effect, and compatibility and harmony with properties in the district.

- e. Additional setback distances, yards and other open space.
 - f. General compatibility with adjoining properties, with reference to site development standards designed for their mutual protection and the environmental harmony of the district.
3. Any person, who is issued an Improvement Location Permit for a special exception, but who fails to commence construction within twelve (12) months after such permit is issued, or who fails to carry to completion the total Development Plan thereof within three (3) years after such construction is begun, or who fails to conform to the provisions of the Development Plan and supporting data finally approved by the Commission and upon the basis of which such Improvement Location Permit was issued, may be required by the Board upon its own motion, and shall be required by the Board upon written petition of any person deeming himself aggrieved, to show cause why such approval should not be withdrawn and such Improvement Location Permit revoked.
 4. The holder of an Improvement Location Permit for a special exception may apply to the Board at any time for an alteration, change, amendment or extension of the application or Development Plan upon which such Permit was based.
 - a. Upon receipt of such application, the Board shall proceed as in the case of original applications for an Improvement Location Permit for a special exception.
 - b. In the event the Board shall approve and order such application or Development Plan changed, altered, amended or extended, it shall notify the Executive Director who shall issue an amended Improvement Location Permit accordingly.

D. TEMPORARY CERTIFICATES

Whenever a special exception has been approved and is of such a nature that the applicant desires to complete the structure and improvements shown in the Development Plan by stages, the applicant may make application for a Temporary Certificate of Occupancy for any portion of the plan that has been completed.

SECTION 80.04.03: ACCESSORY USES

A. INTENT

1. Accessory uses shall be permitted in all zone districts in accordance with the provisions of this section. Accessory uses:
2. Shall be incidental and subordinate to, and commonly associated with, the operation of the principal use of the lot.
3. Shall be operated and maintained under the same ownership and on the same lot as the principal use.
4. Shall not be used for living, sleeping, or housekeeping purposes.
5. Shall be clearly subordinate in height, area, bulk, extent and purpose to the principal use served and shall not exceed the following:
 - a. Setback. An accessory building shall not be located closer to any lot line than the minimum setback line of the principal use or closer to the front lot

line than the building line of the principal use, unless specified otherwise in this Code.

- b. Area. No accessory structure shall have a floor area greater than six percent (6%) of the area of the lot on which it is located, or greater than 1000 square feet, whichever is greater.
- c. Height. No accessory structure shall have a height greater than the maximum height limit set forth for accessory structures in the zoning district in which it is located.
- d. Accessory agricultural uses such as farm animal shelters, barns, grain elevators, and the like shall be exempt from b. through c. above.

B. INTERPRETATION

- 1. Such appurtenant features as walks, driveways, curbs, drainage installations, retaining walls, mailboxes, lamp posts, bird baths, and structures of like nature, are allowed without permits.
- 2. Trees, shrubs, flowers, or plants shall be permitted in any required front, side or rear yard, except that vision clearance on corner lots shall be provided when required.
- 3. The keeping of three or fewer domestic pets.
- 4. Fences, walls and structural screens are allowed without permit when they do not impede intersection visibility (See Section 80.07.02).
- 5. Buildings or structures such as patios, outdoor fireplaces, doghouses, children's play equipment, and also detached storage buildings, bath houses and cabanas not exceeding 150 square feet in size, and not located on a permanent foundation, are allowed without permit. All yard requirements of the district in which the accessory use is located shall apply.
- 6. A manufactured unit certified as a Mobile Home or any previously titled vehicle cannot be used as an Accessory Building for a residential use or any use other than its original intended use.
- 7. Buildings or structures such as garages, carports, canopies, porte-cocheres, small greenhouses, and similar accessory buildings or structures which do not meet the criteria of subsection [5] above shall be permitted with a building permit.
- 8. Off-street motor vehicle parking and loading areas, as set forth in Section 80.08.
- 9. Signs, as set forth in Section 80.09.
- 10. Family Swimming pools are permitted, according to the following.
 - a. No person shall construct, remodel, or alter any swimming pool until a permit to do so is obtained from the Executive Director. An application for such permit shall be filed with the Executive Director, on a form furnished by him, together with the plans and specifications for such pool. The Executive Director shall examine such plans and specifications to determine whether or not the pool will comply with the provisions of this Chapter and Indiana Administrative Code Title 675, Article 20: Swimming Pool Code. (675 IAC 20-4). If it appears that the pool will comply therewith, he shall note his approval on the plans and specifications and shall issue a permit authorizing the work to proceed.

- b. No family swimming pool shall be constructed except on the same lot as the owner's dwelling or on a vacant lot immediately contiguous thereto if it is under the same ownership as the dwelling. The following conditions must be met if the pool is to be located on the same building lot as the dwelling of the owner:
 - (1) The pool must be constructed in the rear yard but not closer at any point than ten feet from the building itself;
 - (2) The pool must be enclosed by a five (5) foot high fence in the manner set forth below and at no point may the fence be closer than ten feet to any property line.
 - (3) A fence surrounding or partially surrounding a pool shall not be closer than six feet to the edge of the pool at any point.
 - (4) The surface area of the pool may not exceed 25% of the area of the rear yard.
 - c. When a pool is located on a lot contiguous to the lot on which the owner's house is located and under the same ownership as the dwelling the following conditions must be met:
 - (1) No part of the pool shall be located forward of the setback line of the owner's dwelling.
 - (2) No part of the pool shall be closer than ten feet from the owner's dwelling and no closer than sixteen feet from any property line of any other property owner;
 - (3) No pool shall be built across any property line regardless of the ownership thereof;
 - (4) If the contiguous lot has frontage on a street other than on which the owner's dwelling is located, no part of the pool shall be forward of the minimum setback line.
 - d. It shall be unlawful for any person to make, continue, or cause to be made or continued at any pool, any loud, unnecessary, or unusual noise or any noise which annoys, disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others. In the operation of a pool, the use or permitting the use or operation of any radio, receiving set, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound in such a manner as to disturb the peace, quiet, and comfort of the neighboring inhabitants, or at any time with louder volume than is necessary for convenient hearing of the person who is in the pool premises shall be unlawful.
 - e. Lights to illuminate any pool shall be so arranged and shaded as to reflect light away from adjoining premises and streets.
11. Amateur radio-sending and antennae, provided the height thereof, including masts, shall not exceed 75 feet measured from finished lot grade; and provided further that such apparatus does not cause any interference with television receivers in the vicinity.

12. Management office in multi-family dwelling or apartment building, and other facilities normally associated with tenants' conveniences, such as vending machines and washing machines, provided there is no exterior display.
13. Foster family care where children unrelated to the residents by blood or adoption are cared for, provided that that no sign shall be displayed.
14. Child Care Homes in accordance with IC 12-17-2-5.
15. Stables and animal pens, on residential lots , provided the lot is at least five (5) acres and all stables and animal pens are at least two hundred (200) feet from the property line.
16. Storage areas, as regulated in Section 80.06.13.
17. Private residential garages and carports for the storage of motor vehicles, provided that such structures are clearly accessory to private residential uses and not for commercial purposes.
18. Storage or parking of recreational vehicles and trailers in the open subject to the following conditions:
 - a. In any district the wheels or any similar transporting devices of any recreational vehicle shall not be removed except for repairs, nor shall such vehicle be otherwise permanently fixed to the ground in a manner that would prevent ready removal of said types of mobile structures.
 - b. Recreational vehicles may be stored or parked by the owner thereof behind or alongside the primary building in such a manner that no part of any such vehicle shall project beyond the front or side setback lines of the lot.
 - c. Not more than two (2) recreational vehicles will be permitted to be parked or stored in the open on a residential property at any one time; provided, however, that one additional such vehicle may be permitted for visitation for not more than seven consecutive days and not to exceed fourteen (14) days in any one year.
 - d. At no time shall such parked or stored recreational vehicle be occupied or used for living, sleeping or housekeeping purposes, except as provided for visitations in (c) above.
 - e. Notwithstanding the provisions of (d) above, recreational vehicles may be parked anywhere on the premises for loading or unloading purposes, for not longer than a period of forty-eight (48) consecutive hours in any one-week period.

SECTION 80.04.04: TEMPORARY USES

A. INTENT

Temporary uses shall be permitted in applicable districts by the grant of a Temporary Improvement Location Permit issued by the Executive Director in accordance with the requirements of this section, except where otherwise noted.

B. GENERAL PROVISIONS

1. The duration of the temporary period is stated hereinafter; provided, however, renewal of such Permit may be requested.
2. Temporary uses shall be subject to all the regulations of the applicable district.

C. PERMITTED TEMPORARY USES

1. Signs associated with a temporary use or event, as regulated by Section 80.09.07. Time limits vary.
2. Non-commercial concrete batching plant, both incidental and necessary to construction in the district. Maximum 24 months.
3. Temporary building or yard for construction materials and equipment, both incidental and necessary to construction in the district. Maximum 24 months.
4. Parking lot designated for a special event in a zoning district. Maximum 30 days.
5. Bazaars, carnivals, outdoor tent theaters, and similar temporary uses. Maximum 10 days.
6. Sale of Christmas trees, tent sales and other temporary open-air sales not otherwise mentioned in this Section. Maximum 60 days.
7. Sale of seasonal fruits and vegetables from roadside stands. Seasonal. Provided there shall be no requirement for a permit and no time restriction on the sale of seasonal fruits and vegetables that are sold on the same property on which they were grown.
8. Sale of Fireworks, permitted only in the PB, GB, I-1 and I-2 districts. Maximum 60 days.
9. Parking of recreational vehicles for visitation. Maximum 7 days, with a maximum total of 14 days per year.
10. Mobile home or other temporary building as a temporary office during the period of construction and development. Maximum 18 months.
11. Mobile home as a temporary living place or dwelling during the period of construction or for a family whose existing dwelling on the same lot has been severely damaged by fire or other danger, provided that approval is obtained from the Franklin County Health Department for septic system installation, or applicant provides the Executive Director with a copy of a sewer hook-up permit from the proper authority. Maximum 18 months.
12. Rummage or garage sales shall be allowed without permit in any district provided there are not more than two (2) such sales annually of not more than three (3) days duration each on the premises. Rummage or garage sales of more than three (3) but not more than ten (10) days require a Temporary Improvement Location Permit.
13. Other similar uses deemed temporary by the Executive Director and attached with such time period, conditions and safeguards as the Executive Director may deem necessary.

D. TEMPORARY LIVING QUARTERS

1. A mobile home may be permitted as a temporary living place or dwelling for an infirmed or handicapped blood relative who is unable to care for himself due to sickness, age, or disability, on the same lot as the existing dwelling, provided that:
 - a. the applicant provides the Executive Director with a licensed physician's certification of the handicap or infirmity supporting the need for constant attention, and
 - b. the applicant receives approval from the Franklin County Health Department for the installation of a septic system or provides the Executive Director with a copy of a sewer hook-up permit from the proper authority.
2. A mobile home as temporary living quarters under the conditions of this subsection must be approved by the Board of Zoning Appeals as a special exception.
3. An approval for a mobile home as temporary living quarters shall expire two years after Board of Zoning Appeals approval. Such a use may be renewed by the Board of Zoning appeals, provided such request is accompanied by a new doctor's statement, issued in the same manner as set forth above.

E. STANDARDS

The following standards shall apply to all temporary uses.

1. Adequate access and off-street parking facilities shall be provided which shall not interfere with traffic movement on adjacent streets.
2. No public address systems or other noise-producing devices shall be permitted in a residential district.
3. Any flood lights or other lighting shall be directly upon the premises and shall not be detrimental to adjacent properties.
4. No banners, pennants or unnecessary signs shall be permitted in a residential district.
5. The lot shall be put in clean condition devoid of temporary use remnants upon termination of the temporary period.

F. SPECIAL EVENTS IN THE METAMORA HISTORIC PRESERVATION AREA IN THE HD HISTORIC DISTRICT

Written permission for temporary outside booths or stands must be obtained from the Board of Franklin County Commissioners for special days such as "Canal Days," "Firemen's Festival," or other special events listed under the current Calendar of Special Events in the Rules of the Historic Board. (See Sec. 84.19) The issuance of Temporary Improvement Permits are not required for such uses, provided that such uses are promptly removed following the particular special event.

SECTION 80.04.05: NONCONFORMING BUILDINGS AND USES

A. PURPOSE AND INTENT

1. Within the districts established by this Code or by amendments that may later be adopted, there may exist certain structures or uses of land that were lawful before this Code was passed or amended, but which are prohibited, regulated

or restricted under the terms of this Code or may be by future amendments hereto.

2. It is the intent of this Code to permit these nonconforming uses to continue under the provisions of this section until they are removed, but not to encourage their survival.
3. Therefore, the lawful use of a building or premise, existing at the time of the passage of the "Area Zoning Code of Franklin County, Indiana," or the replacement zoning code, or any subsequent amendment to the replacement zoning ordinance, may be continued although such use does not conform to all the provisions of this Code, subject to the following conditions.

B. NONCONFORMING USE RESULTING FROM AMENDMENT

These provisions apply in the same manner to a use which may become a nonconforming use as a result of an amendment to this Code.

C. SPECIAL EXCEPTIONS AND CONFORMING USES

An existing use which is listed herein as a special exception, and which is located in a district in which such special exception may be permitted, is a Conforming Use, provided such use meets the minimum lot area requirements set forth in this Code. Any expansion of such special exception involving the enlargement of a building, structure, and land area devoted to such use, shall be subject to the requirements and procedures described in this Code.

D. ILLEGAL USES

Illegal uses existing at the time this ordinance is enacted shall not be validated by virtue of its enactment.

E. HONORING PREVIOUS PERMITS

Nothing herein contained shall require any change in the plans for the construction or designated use of a building for which an Improvement Location Permit or a Building Permit has been heretofore issued, and the actual construction of which has been diligently prosecuted within ninety (90) days of the date of such Permit, and which entire building shall be completed according to such plans filed within three (3) years of such Permit. Actual construction is hereby defined to include the erection of construction materials in permanent position and fastened in a permanent manner.

F. CHANGE IN OWNERSHIP

A change in ownership of a legally non-conforming use shall not affect its legal non conforming status.

G. REGULATIONS CONCERNING NONCONFORMING USES

1. May Be Extended

A legal nonconforming use may be extended throughout a building provided the size of the structure is not increased.

2. Change in Use

- a. A nonconforming use may be changed to another nonconforming use of the same or greater restrictions, provided the size of the structure is not increased.
 - b. Whenever a nonconforming use has been changed to a conforming use or to a use permitted in a district of greater restrictions, it shall not thereafter be changed to a nonconforming use.
3. No New Construction

No building shall be erected upon any premises devoted to a nonconforming use, except in conformance with the provisions of this Code.
4. Relocation

Any nonconforming use which may be removed from a lot, shall relocate on a lot in accordance with the provisions of this Code.
5. Discontinuance of Nonconforming Use

In the event that a nonconforming use of any building or premises is discontinued for a period of at least one (1) year, the use of the same shall hereafter conform to the uses permitted in the district in which it is located.
6. Damage to Nonconforming Use

If a building or other structure containing a nonconforming use is damaged or destroyed by any means to the extent of fifty percent (50%) or more of its replacement value at that time, the building or other structure can be rebuilt or used thereafter only for a conforming use and in compliance with the provisions of the district in which it is located. In the event the damage or destruction is less than fifty percent (50%) of its replacement value, based upon prevailing costs, the building may then be restored to its original condition and the occupancy or use of such building which existed at the time of such partial destruction may be continued. All replacement value estimates shall be evaluated and approved by the Executive Director.

In either event, restoration or repair of the building or other structure must be started within a period of six (6) months from the date of damage or destruction, and diligently prosecuted to completion.

H. REGULATIONS CONCERNING NONCONFORMING LOTS AND STRUCTURES

1. Structural Alteration or Enlargement

No nonconforming structure or structure on a nonconforming lot shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ordinance.

2. Repairs and Maintenance

- a. Ordinary Repairs and Maintenance. On any nonconforming structure or portion of a structure, or structure on a nonconforming lot, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring or plumbing, to an extent not exceeding ten percent (10%) of the current

replacement cost of the structure and market value of real estate, or nonconforming portion of the structure, whichever the case may be, provided that the cubic content existing when it became nonconforming shall not be increased

- b. Buildings May Be Made Safe. Nothing in this Code shall prevent the strengthening or restoring to a safe condition of any part of any building declared unsafe by the proper authority.

3. Damage to Nonconforming Structure

If a nonconforming structure or a structure on a nonconforming lot is damaged or destroyed by any means to the extent of fifty percent (50%) or more of its replacement value at that time, the building or other structure can be rebuilt or used thereafter in compliance with the provisions of the district in which it is located. In the event the damage or destruction is less than fifty percent (50%) of its replacement value, based upon prevailing costs, the building may then be restored to its original condition and the occupancy or use of such building which existed at the time of such partial destruction may be continued. All replacement value estimates shall be evaluated and approved by the Executive Director.

I. NONCONFORMING USE IN FLOOD PLAIN DISTRICT

Any building, structure or use of land in the (FP) Flood Plain District which is not in conformance with the requirements of this Chapter constitutes a Nonconforming Use. All applications to repair, extend or enlarge a nonconforming use in the FP District shall be forwarded to the Department of Natural Resources for review and comment. All terms and conditions imposed by the Department of Natural Resources shall be incorporated into the issuance of any resulting Improvement Location Permit issued by the Executive Director (or Building Permit issued by the Building Inspector).

Nonconforming Lot Areas And Widths And Prior Lots Of Record

A lot of record that existed prior to the passage of this Code is a Building Lot if it is accessible from a street with an adequate undeniable easement for ingress and egress from a street and was a legal building lot under the 1965 Franklin County Unified Zoning Ordinance, even though the lot does not have the minimum lot width or the minimum lot area required by the district in which it is located.

05. USE DISTRICT REGULATIONS

TABLE OF CONTENTS

Section 80.05.01: Explanation of use Matrix	58
Section 80.05.02: Agricultural Districts	58
Section 80.05.03: Residential Districts	61
Section 80.05.04: Commercial Districts.....	65
Section 80.05.05: Industrial Districts	68
Section 80.05.06: FP Flood Plain District	75
Section 80.05.07: PUD Planned Unit Development District.....	94
Section 80.05.08: HD Historic District Overlay District.....	101
Section 80.05.09: WD Whitewater River Scenic District Overlay District	101
80.05.T-1: Agricultural Districts Bulk Matrix (Properties without Common Sewer).....	59
80.05.T-2: Agricultural Districts Bulk Matrix (Properties with Common Sewer).....	60
80.05.T-3: Residential Districts Bulk Matrix (Properties without Common Sewer)	62
80.05.T-4: Residential Districts Bulk Matrix (Properties with Common Sewer)	64
80.05.T-5: Commercial Districts Bulk Matrix	68
80.05.T-6: Industrial Districts Bulk Matrix.....	74

SECTION 80.05.01: EXPLANATION OF USE MATRIX

Permitted Uses and Special Exceptions for each zoning district are listed in the Use Matrix located in the Appendix. Each use is located in a horizontal row, while each vertical column represents a zoning district. If the cell at the intersection of a row showing the use and a column showing the zone district contains a P, the use is permitted in that district. If the cell shows an S, the use is a special exception in that district. For further explanation of permitted uses and special exceptions, see Sections 80.04.01 and 80.04.02.

SECTION 80.05.02: AGRICULTURAL DISTRICTS

A. A-1 PRIME AGRICULTURE DISTRICT

This district covers portions of the County where the soil types are most conducive to agricultural operations and is intended to protect and encourage agricultural uses of the land by controlling indiscriminate development of urban-type uses. Residential development is discouraged but may be permitted on large lots or within cluster subdivisions. All types of agricultural uses or uses akin to agricultural operations are permitted, either outright or by special exception, depending upon their impact to neighboring uses.

B. A-2 AGRICULTURE DISTRICT

This district is located generally in areas where farmland is less suitable than in the A-1 District, but where agricultural uses continue to be the predominate land use type. Cluster residential subdivisions are permitted, as are all types of agriculture uses or uses akin to agricultural operations, either outright or by special exception, depending upon the impact upon neighboring uses.

C. GENERAL CROSS-REFERENCE GUIDE FOR ADDITIONAL REGULATIONS

1. Permitted Land Uses

Permitted uses and special exceptions allowed within the agricultural districts are set forth in the use matrix located in the Appendix.

2. Parking and Loading

The parking and loading requirements applicable in the agricultural districts are set forth in Section 80.08 (Off-Street Parking and Loading).

3. Signs

Sign regulations applicable in the agricultural districts are set forth in Section 80.09 (Signs).

4. Landscaping and Screening

Requirements relating to landscaping, screening, and buffering in the agricultural districts are set forth in Section 80.10 (Landscaping).

5. Accessory Uses

Accessory uses, buildings, and structures customarily incidental to and commonly associated with a principal use may be permitted, subject to the provisions of Section 80.06 (Provisions Related to Specific Uses), and any limitation contained herein. Specifically permitted or allowed accessory uses, buildings, and structures are listed in Section 80.04.03.

D. BULK REGULATIONS

The following bulk regulations shall apply to all uses within the Agricultural Zoning Districts.

Note: the Agricultural Zoning Districts require cluster subdivisions for all minor and major subdivisions which do not meet the requirements for an exemption as set forth in Section 81.10[D] of the Franklin County Area Subdivision Control Code.

1. The following table applies only to those properties in Agricultural Districts that are not serviced by common sewer.

80.05.T-1: AGRICULTURAL DISTRICTS BULK MATRIX (PROPERTIES WITHOUT COMMON SEWER)

	A1	A2
MINIMUM LOT SIZE (SQ.FT.)		
Cluster Subdivision Lot		
Single Family:	43,560 (1 acre)	43,560 (1 acre)
Two-Family:	NA	87,120 (2 acres)
Conventional Subdivision Lot		
Single Family:	NA	43,560 (1 acre)
Two-Family:	NA	87,120 (2 acres)
MINIMUM LOT WIDTH		
Cluster Subdivision Lot		
Single Family:	110 feet	110 feet
Two-Family:	NA	150 feet

80.05.T-1: AGRICULTURAL DISTRICTS BULK MATRIX (PROPERTIES WITHOUT COMMON SEWER)

	A1	A2
Conventional Subdivision Lot	NA	150 feet
Single Family:	NA	150 feet
Two-Family:	NA	200 feet
MAXIMUM COVERAGE		
Cluster Subdivision Lot	60%	60%
Conventional Subdivision Lot	NA	10%
MINIMUM REQUIRED SETBACKS		
Cluster Subdivision Lot		50 feet
Yard fronting on any street:	50 feet	
Rear:	15 feet	15 feet
Side:	10 feet	10 feet
Conventional Subdivision Lot		
Yard fronting on any street*:		
• Arterial Street	NA	110 feet
• Collector (Feeder) Street	NA	90 feet
• Local Street	50 feet	50 feet
Rear:	15 feet	15 feet
Side:	15 feet	15 feet
MINIMUM GROUND FLOOR AREA (SQ.FT.)		
One-Story		
Single Family:	960	960
Two-Family:	NA	1,600
Two-Story		
Single-Family:	800 w/960 Total	800 w/960 Total
Two-Family:	NA	800 per story
MAXIMUM HEIGHT		
Principal and Accessory Buildings	25	25

* Setbacks along streets shall be measured from the apparent right-of-way of the road.

2. The following table applies only to those properties in the Agricultural Districts which are serviced by common sewer.

80.05.T-2: AGRICULTURAL DISTRICTS BULK MATRIX (PROPERTIES WITH COMMON SEWER)

	A1	A2
MINIMUM LOT SIZE (SQ.FT.)		
Cluster Subdivision Lot		
Single Family:	10,890 (1/4 acre)	10,890 (1/4 acre)
Two-Family:	NA	21,780 (1/2 acre)
Conventional Subdivision Lot		
Single Family:	NA	15,000
Two-Family:	NA	30,000
MINIMUM LOT WIDTH		
Cluster Subdivision Lot		

80.05.T-2: AGRICULTURAL DISTRICTS BULK MATRIX (PROPERTIES WITH COMMON SEWER)

	A1	A2
Single Family:	100 feet	100 feet
Two-Family:	NA	100 feet
Conventional Subdivision Lot		
Single Family:	NA	100 feet
Two-Family:	NA	150 feet
MAXIMUM COVERAGE		
Cluster Subdivision Lot	60%	60%
Conventional Subdivision Lot	10%	20%
MINIMUM REQUIRED SETBACKS		
Cluster Subdivision Lot		
Yard fronting on any street:	50 feet	50 feet
Rear:	10 feet	10 feet
Side:	10 feet	10 feet
Conventional Subdivision Lot		
Yard fronting on any street*:		
• Arterial Street	NA	110 feet
• Collector (Feeder) Street	NA	90 feet
• Local Street	NA	50 feet
Rear:	NA	10 feet
Side:	NA	10 feet
MINIMUM GROUND FLOOR AREA (SQ.FT.)		
One-Story		
Single Family:	960	960
Two-Family:	NA	1,600
Two-Story		
Single-Family:	800	800
Two-Family:	NA	800
MAXIMUM HEIGHT		
Principal and Accessory Buildings	25	25

* Setbacks along streets shall be measured from the apparent right-of-way of the road.

SECTION 80.05.03: RESIDENTIAL DISTRICTS

A. RE RESIDENTIAL AND RECREATION DISTRICT

This residential district is located in areas generally unsuitable for agricultural cultivation, and primarily suited for residential uses. Due to the tree cover of these areas and their proximity to the Reservoir, these residential areas are also the best suited in the County for recreation oriented activities.

B. R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT

This district is designed to permit low density single-family residential development, and is adaptable to urban and suburban locations.

C. R-2 SINGLE-FAMILY AND TWO-FAMILY RESIDENTIAL DISTRICT

This district is designed to accommodate single-family dwellings and two-family dwellings. This district may also be used to provide a transition area between single-family residential areas and more intensively used areas.

D. R-3 MULTI-FAMILY RESIDENTIAL DISTRICT

The R-3 multi-family residential district is intended to provide for medium to high density residential areas. This district may be used as a transitional area between residential and nonresidential areas while at the same time providing an ideal location for multi-family housing.

E. GENERAL CROSS-REFERENCE GUIDE FOR ADDITIONAL REGULATIONS

1. Permitted Land Uses

Permitted uses and special exceptions allowed within the residential districts are set forth in the use matrix located in the Appendix.

2. Parking and Loading

3. The parking and loading requirements applicable in the residential districts are set forth in Section 80.08 (Off-Street Parking and Loading).

4. Signs

5. Sign regulations applicable in the residential districts are set forth in Section 80.09 (Signs).

6. Landscaping and Screening

7. Requirements relating to landscaping, screening, and buffering in the residential districts are set forth in Chapter 10 (Landscaping).

8. Accessory Uses

1. Accessory uses, buildings, and structures customarily incidental to and commonly associated with a principal use may be permitted, subject to the provisions of Section 80.06 (Provisions Related to Specific Uses), and any limitation contained herein. Specifically permitted or allowed accessory uses, buildings, and structures are listed in Section 80.04.03.

F. BULK REGULATIONS

The following bulk regulations shall apply to all uses within the Residential Zoning Districts.

Note: The Residential Districts permit both cluster and conventional subdivision types.

1. The following table applies only to those properties in the Residential Districts that are not serviced by common sewer.

80.05.T-3: RESIDENTIAL DISTRICTS BULK MATRIX (PROPERTIES WITHOUT COMMON SEWER)

	RE	R-1	R-2	R-3
MINIMUM LOT SIZE (SQ.FT.)				
Cluster Subdivision Lot	Same as Conventional Subdivisions			

80.05.T-3: RESIDENTIAL DISTRICTS BULK MATRIX (PROPERTIES WITHOUT COMMON SEWER)

	RE	R-1	R-2	R-3
Conventional Subdivision Lot				
Single Family:	43,560	43,560	43,560	43,560
Two-Family:	87,120	NA	87,120	87,120
Multi-Family:	NA	NA	NA	sewer required
MINIMUM LOT WIDTH				
Cluster Subdivision Lot				
Single Family:	110 feet	110 feet	110 feet	110 feet
Two-Family:	150 feet	NA	NA	200 feet
Multi-Family:	NA	NA	NA	150 feet
Conventional Subdivision Lot				
Single Family:	150 feet	150 feet	100 feet	100 feet
Two-Family:	200 feet	NA	NA	200 feet
Multi-Family:	NA	NA	NA	sewer required
MAXIMUM COVERAGE				
Cluster Subdivision Lot	60%	60%	60%	60%
Conventional Subdivision Lot				
Single Family:	20%	25%	30%	25%
Manufactured Home:	20%	25%	30%	25%
Two-Family:	20%	NA	25%	30%
Multi-Family:	NA	NA	NA	sewer required
MINIMUM REQUIRED SETBACKS				
Cluster Subdivision Lot				
Yard fronting on any street:	50 feet	50 feet	50 feet	50 feet
Rear:	15 feet	15 feet	15 feet	15 feet
Side:	10 feet	10 feet	10 feet	10 feet
Conventional Subdivision Lot				
Yard fronting on any street^:				
• Arterial Street	110 feet	110 feet	110 feet	110 feet
• Collector (Feeder) Street	90 feet	90 feet	90 feet	90 feet
• Local Street	50 feet	50 feet	50 feet	50 feet
Rear				
• Single Family:	15 feet	15 feet	10 feet	15 feet
• Two-Family:	30 feet	NA	NA	30 feet
• Multi-Family:	NA	NA	NA	sewer required
Side:	15 feet	15 feet	10 feet	10 feet
MINIMUM GROUND FLOOR AREA (SQ.FT.)				
One-Story				
Single Family:	960	1,450	1,250	960
Two-Family:	1,450	NA	NA	800
Multi-Family:	NA	NA	NA	sewer required
Two-Story				
Single-Family:	960	900*	800	800
Two-Family:	960	NA	960**	960

80.05.T-3: RESIDENTIAL DISTRICTS BULK MATRIX (PROPERTIES WITHOUT COMMON SEWER)

	RE	R-1	R-2	R-3
Multi-Family:	NA	NA	NA	sewer required
MAXIMUM HEIGHT				
Principal and Accessory Buildings	25	25	25	25

^ Setbacks along streets shall be measured from the apparent right-of-way of the road.

*Total floor area must be at least 1,450 square feet.

**Total floor area must be at least 1,600 square feet.

2. The following table applies only to those properties in the Residential Districts which are serviced by common sewer.

80.05.T-4: RESIDENTIAL DISTRICTS BULK MATRIX (PROPERTIES WITH COMMON SEWER)

	RE	R-1	R-2	R-3
MINIMUM LOT SIZE (SQ.FT.)				
Cluster Subdivision Lot				
Single Family:	10,890	10,000	8,000	5,000
Two-Family:	21,780	NA	8,000	6,000
Multi-Family:	NA	NA	NA	NA
Conventional Subdivision Lot				
Single Family:	15,000	10,000	8,000	5,000
Two-Family:	30,000	NA	12,000	6,000
Multi-Family:	NA	NA	NA	9,000 (first 3 units), plus 1,500 each additional unit
MINIMUM LOT WIDTH				
Cluster Subdivision Lot				
Single Family:	60 feet	60 feet	60 feet	40 feet
Two-Family:	60 feet	NA	60 feet	60 feet
Multi-Family:	NA	NA	NA	NA
Conventional Subdivision Lot				
Single Family:	100 feet	100 feet	80 feet	40 feet
Two-Family:	150 feet	NA	80 feet	60 feet
Multi-Family:	NA	NA	NA	80 feet
MAXIMUM COVERAGE				
Cluster Subdivision Lot	60%	60%	60%	60%
Conventional Subdivision Lot				
Single Family:	20%	25%	30%	50%
Two-Family:	20%	NA	35%	60%
Multi-Family:	NA	NA	NA	70%
MINIMUM REQUIRED SETBACKS				
Cluster Subdivision Lot				
Yard fronting on any street:	Same as Conventional Subdivisions			
Rear:	15 feet	15 feet	10 feet	5 feet
Side:	10 feet	10 feet	8 feet	6 feet
Conventional Subdivision Lot				

80.05.T-4: RESIDENTIAL DISTRICTS BULK MATRIX (PROPERTIES WITH COMMON SEWER)

	RE	R-1	R-2	R-3
Yard fronting on any street^:				
• Arterial Street	110 feet	110 feet	110 feet	110 feet
• Collector (Feeder) Street	90 feet	90 feet	90 feet	90 feet
• Local Street	50 feet	50 feet	50 feet	50 feet
Rear				
• Single Family:	15 feet	15 feet	10 feet	5 feet
• Two-Family:	15 feet	NA	12 feet	6 feet
• Multi-Family:	NA	NA	NA	8 feet
Side:				
• Single and Two-Family:	10 feet	10 feet	8 feet	6 feet
• Multi-Family:	NA	NA	NA	10 feet
MINIMUM GROUND FLOOR AREA (SQ.FT.)				
One-Story				
Single Family:	960	1,450	1,250	960
Two-Family:	1,600	NA	1,450	1,450
Multi-Family:	NA	NA	NA	1,450 (first 4 units) plus 400 per additional unit
Two-Story				
Single-Family:	960	900*	800	800
Two-Family:	960	NA	960**	960
Multi-Family:	NA	NA	NA	same as one story
MAXIMUM HEIGHT				
Principal and Accessory Buildings	25	25	25	25

^ Setbacks along streets shall be measured from the apparent right-of-way of the road.

*Total floor area must be at least 1,450 square feet.

**Total floor area must be at least 1,250 square feet.

SECTION 80.05.04: COMMERCIAL DISTRICTS

A. LB LOCAL BUSINESS DISTRICT

The LB local business district is designed to meet the day-to-day convenience shopping and service needs of persons living in nearby residential areas. To promote compatibility with surrounding residential uses, uses allowed in this district will, in general, be a less intense use than those allowed in the PB or GB districts. Local business districts should be located along major roads and in close proximity to a large population of consumers.

B. CB CENTRAL BUSINESS DISTRICT

This district covers the downtown areas of the Incorporated Towns of Franklin County. Its intent is to protect the unique historic character of the downtown areas while establishing the districts as specialty business and shopping areas.

C. PB PLANNED BUSINESS DISTRICT

This district is designed to provide a variety of retail and personal and professional services to large population areas. Planned Business Districts shall be located along major highways and wherever possible should locate in areas where water and sewer are provided.

All applications for any use in the PB Planned Business District shall include a development plan, and the following additional requirements shall be adhered to:

1. A greenbelt or lawn area of at least twenty (20) feet in depth and abutting the front lot line of all properties fronting on a state highway or an arterial shall be maintained as lawn except for prescribed access ways.
2. Off-street parking spaces and accessory uses such as gasoline service station pumps and islands, signs and light fixtures, and access drives may be located in the required front yard, but not within twenty (20) feet of the front lot line, regardless of the type of road type the property fronts on, provided that the access drives may connect with the frontal street. and The described twenty foot strip of land shall be maintained as a lawn area with occasional tree and shrub plantings.
3. Entrances and exits shall be located so as to minimize any adverse effect on adjacent properties. Access driveways shall not be wider than forty (40) feet at their point of intersection with a street.
4. No structure or building, driveway, or accessory use shall be located closer than ten (10) feet to any side or rear lot line.
5. Whenever extensive interior driveways are utilized, the building setback from the centerline of the interior road shall be twenty-five (25) feet and shall be supplied with a ten (10) foot wide landscaped greenbelt.
6. Except for the sales of gasoline or oil or other related products at gasoline service stations, displays outside of buildings shall require the approval of the Board.
7. Outside storage, including continued storage of automobiles, trucks, or trailers for hauling purposes, is not a permitted use in the PB District.
8. More than one principal building and its accessory building(s) or use(s) shall be permitted on one lot in the PB District, provided such structures are designed as a unified shopping or office center under common ownership.

D. GB GENERAL BUSINESS DISTRICT

This district provides sites for higher intensity commercial uses as well as enclosed industrial uses. Areas throughout the County which are zoned as GB are generally already developed as intense commercial or industrial sites. It is the intent of this Ordinance that no additional land be re-zoned to a GB zoning classification.

E. GENERAL CROSS-REFERENCE GUIDE FOR ADDITIONAL REGULATIONS

1. Permitted Land Uses

Permitted uses and special exceptions allowed within the commercial districts are set forth in the use matrix located in the Appendix.

2. Parking and Loading

The parking and loading requirements applicable in the commercial districts are set forth in Section 80.08 (Off-Street Parking and Loading).

3. Signs

Sign regulations applicable in the commercial districts are set forth in Section 80.09 (Signs).

4. Landscaping and Screening

Requirements relating to landscaping, screening, and buffering in the commercial districts are set forth in Section 80.10 (Landscaping).

5. Accessory Uses

Accessory uses, buildings, and structures customarily incidental to and commonly associated with a principal use may be permitted, subject to the provisions of Section 80.06 (Provisions Related to Specific Uses), and any limitation contained herein. Specifically permitted or allowed accessory uses, buildings, and structures are listed in Section 80.04.03.

6. Development Plan Review

Development within the Planned Business District shall be subject to development plan review pursuant to Section 80.12.05.

F. BULK REGULATIONS

The following bulk regulations shall apply to all uses within the Commercial Zoning Districts.

80.05.T-5: COMMERCIAL DISTRICTS BULK MATRIX

	LB	CB	PB	GB
MINIMUM LOT SIZE (SQ. FEET)				
	6,000	NA	6,000	6,000
MINIMUM LOT WIDTH				
	50	30	100	50
MINIMUM REQUIRED SETBACKS				
Yard fronting on any street*:				
• Arterial Street	110 feet	NA	110 feet	110 feet
• Collector (Feeder) Street	90 feet	NA	90 feet	90 feet
• Local Street	50 feet	NA	50 feet	50 feet
Rear	15	0	25	15
Side	5	0	20	10
MAXIMUM COVERAGE				
	70%	NA	60%	70%
MAXIMUM BUILDING HEIGHT				
Principal Use	35	45	45	60
Accessory Use	18	18	24	24

*Setbacks along streets shall be measured from the historic centerline of the road.

SECTION 80.05.05: INDUSTRIAL DISTRICTS**A. I-1 ENCLOSED INDUSTRIAL DISTRICT**

The 1-1 Enclosed Industrial District contains light industrial uses and light manufacturing, as defined in Section 80.02.03 and are conducted entirely within enclosed buildings, provided that such uses conform to the performance standards set forth herein. Office parks and research and development facilities are also permitted uses within the I-1 Enclosed Industrial District. In addition to the bulk regulations set forth in the table below, development in the I-1 Enclosed Industrial District shall be subject to development plan review and the following provisions:

1. No activity involving the storage, utilization of manufacture of materials or products which decompose by detonation shall be permitted.
2. Outdoor storage shall not be a permitted use in the I-1 Enclosed Industrial District. However, outdoor storage which is used as an accessory use to an enclosed industrial use in the 1-1 district, may be permitted by the Board of Zoning Appeals as a special exception, provided the said storage is located behind the building line and in such a manner that it cannot be seen from any street or adjacent residential property. When approving outdoor storage, the Board shall set requirements for screening such storage areas from adjacent uses.
3. Performance Standards for Enclosed Industrial Uses
The restrictions of this subsection shall not apply to: (a) the activities of site preparation or construction, maintenance, repair, alteration, modification or improvement of buildings, equipment or other improvements on or within the lot line; (b) the operation of motor vehicles or other facilities for the transportation of personnel, materials or products; (c) conditions beyond the control of the user such

as fire, explosion, accidents, failure or breakdown of equipment or facilities or emergencies; (d) safety or emergency warning signals or alarms necessary for the protection of life, limb or property.

- a. Smoke. The emission of more than ten (10) smoke units per hour per stack and emissions in excess of Ringelmann No. 2 are prohibited, except that for one (1) hour during any twenty-four (24) hour period this rate may be increased by an additional ten (10) smoke units per stack up to and including Ringelmann No. 3 for the purposes of process purging, soot blowing and fire cleaning.
- b. Particulate Matter. The rate of emission of particulate matter from all sources within the boundaries of any lot shall not exceed a figure of 1 pound per hour per acre, of which not more than ten percent (10%) by weight may be particles larger than 44 microns (325 mesh). Dust and other kinds of air pollution that are borne by the wind from such sources within lot boundaries as storage areas, yards, and roads shall be kept to a minimum by appropriate landscaping, paving, oiling, fencing or other means.
- c. Odor. No industrial use may emit across the lot lines malodorous gas or other matter in such quantity as to be readily detectable at any point.
- d. Poisonous and Injurious Fumes and Gases. The emission of toxic or injurious fumes and gases shall be controlled so as to comply with the following:
- e. The emission from any source shall not cause at or beyond any lot line, concentrations of toxic and/or injurious fumes and gases in excess of three percent (3%) of the threshold limit set for fume or gas in question in the "Threshold Limit Values for Toxic Materials in Industry" from the American Conference of Governmental Hygienists, latest issue. The emission of any gas or fumes across lot lines in such concentrations as to be detrimental to or endanger public health, safety, comfort and welfare or shall cause injury or damage to property or business is prohibited.
- f. Glare and Heat. No operation, activity or structure shall cause heat or glare at the lot line in such a manner as to be a public nuisance. No such use may cause illumination at or beyond any residential district boundary in excess of 0.1 footcandle. (As used in this section, the term footcandle means unit of illumination equal to the illumination at all points that are one (1) foot from a uniform point source of one (1) candle power.)
- g. Vibration. Any use creating intense earth-shaking vibrations shall be set back from a residence district boundary at least two-hundred fifty (250) feet, or at least one hundred and fifty (150) feet from a business district boundary. Earth-shaking vibrations at the industrial property line shall not be in violation of this Code as long as the vibration is not perceptible without the aid of instruments.
- h. Noise. At no point along the boundary of an 1-1 district shall the sound pressure level of any operation or plant (other than background noises produced by sources not under the control of this Code) exceed the decibel limits in the octave bands designated as follows:

Maximum Permitted Sound for Enclosed Industrial Uses

Octave Band Frequency (Cycles Per Second)	Maximum Permitted Sound Level (In Decibels) Along Residence District Boundaries	Maximum Permitted Sound Level (In Decibels) Along Business District Boundaries
0 to 75	72	79
75 to 150	67	74
150 to 300	59	66
300 to 600	52	59
600 to 1200	46	53
1200 to 2400	40	47
2400 to 4800	34	41
Above 4800	32	39

The prescribed limits for sound levels adjacent to residential district boundaries shall apply between the hours of 8:00 AM and 6:00 PM. At other times, the allowable sound levels in each octave band are each reduced by six (6) decibels.

Sound levels shall be measured with a sound-level meter and associated octave band filter, manufactured and calibrated according to standards prescribed by the American Standards Association. Measurements shall be made using the flat C network of the sound level meter and the fast meter movement of the octave band analyzer. Impulsive noises are not subject to the performance standards prescribed herein if they cause rapid fluctuations of the needle of the sound level meter with a variation of no more than plus two (2) decibels. Noises in capable of being so measured, such as irregular and intermittent noises, shall be controlled so as not to be a nuisance to adjacent uses.

i. Fire Hazards.

- (1) Solid substances ranging from free burning to intense burning may be stored, used, or manufactured only within completely enclosed buildings having incombustible exterior walls and protected throughout by an automatic fire extinguishing system.
 - (2) The storage, utilization or manufacture of flammable liquids or materials which produce flammable vapors or gases shall be permitted in accordance with the rules and regulations of the State Fire Marshal's office. A Certificate of Compliance, issued by the State Fire Marshal's office, stating that the plans and specifications for a light industrial use comply with the rules and regulations of the State Fire Marshal's office shall accompany the application for an improvement location permit.
- j. Any industrial operation or activity must, in addition to the above, conform with the provisions of the Indiana Air Pollution Law (Chapter 17, Acts of 1961, as amended) and the regulations promulgated there under, and any applicable

acts of the Federal Government. Where the requirements of this Code are more restrictive, they shall take precedence.

B. 1-2 OPEN INDUSTRIAL DISTRICT

The 1-2 Open Industrial District is one which permits both buildings and open areas for light or heavy industry and manufacturing, as defined in Section 80.02.03, provided that such uses comply with the performance standards set forth herein. Open Industrial districts are to be located distant from residential and commercial uses, and in instances of close business or residential proximity, buffer treatment shall be required by the Plan Commission. In addition to the bulk regulations set forth in the table below, development in the I-2 Open Industrial District shall be subject to development plan review and the following provisions:

1. No activity involving the storage, utilization or manufacture of materials or products which decompose by detonation shall be permitted unless specifically approved by the Franklin County Board of Commissioners if the activity is proposed to be located in the unincorporated territory and the Town Board if the activity is proposed to be located in a Town. Such activity shall be conducted in accordance with the rules promulgated by the State Fire Marshal. Such materials shall include, but are not limited to, all primary explosives such as lead azide, lead atyphnate, fulminates, and tetracene; all high explosives such as TNT, TDX, HMX, PETN and picric acid; propellants and components thereof, such as nitrocellulose, black powder, boron hydrides, hydrazine and its derivatives; pyrotechnics and fireworks such as magnesium powder, potassium chlorate, and potassium nitrate; blasting explosives such as dynamite and nitroglycerine; unstable organic compounds such as acetyrides, tetrazoles, and ozonides; strong oxidizing agents such as liquid oxygen, perchloric acid, perchlorates, chlorates, and hydrogen peroxide in concentrations greater than thirty-five percent (35%); and nuclear fuels, fissionable materials and products; and reactor elements such as Uranium 235 and Plutonium 239.
2. Performance Standards for Open Industrial Uses

The restrictions of this subsection shall not apply to: (a) the activities of site preparation or construction, maintenance, repair, alteration, modification or improvement of buildings, equipment or other improvements on or within the lot line; (b) the operation of motor vehicles or other facilities for the transportation of personnel, materials or products; (c) conditions beyond the control of the user, such as fire, explosion, accidents, failure or breakdown of equipment or facilities or emergencies; (d) safety or emergency warning signals or alarms necessary for the protection of life, limb or property.

 - a. Smoke. The emission of more than thirty (30) smoke units per hour per stack and emissions in excess of Ringelmann No. 2 are prohibited, except that for once during any six (6) hour period, this rate may be increased by an additional ten (10) smoke units per stack, up to and including Ringelmann No. 3, for the purposes of process purging, soot blowing and fire cleaning.

- b. Particulate Matter. The rate of emission of particulate matter from all sources within the boundaries of any lot shall not exceed a figure of 3 pounds per hour, of which not more than ten percent (10%) by weight may be particles larger than 44 microns (325 mesh).
- c. Odor. No industrial use may emit across the lot lines malodorous gas or other matter in such quantity as to be readily detectable at any point.
- d. Poisonous and injurious Fumes and Gases. The emission of toxic or injurious fumes and gases shall be controlled so as to comply with the following:
 - (1) The emission from any source shall not cause at or beyond any lot line concentrations of toxic and/or injurious fumes and gases in excess of ten percent (10%) of the threshold limit as set for the fume and gas in question in the "Threshold Limit Values for Toxic Materials in Industry" issued by the Indiana State Board of Health, from the American Conference of Governmental Hygienists, latest issue.
 - (2) The emission of any gas or fumes across lot lines in such concentrations as to be detrimental to or endanger public health, safety, comfort and welfare or shall cause injury or damage to property or business is prohibited.
- e. Glare and Heat. No operation, activity or structure shall cause heat or glare at the lot line in such a manner as to be a public nuisance. No such use may cause illumination at or beyond any residential district boundary in excess of 0.1 footcandle. (As used in this section, the term footcandle means unit of illumination equal to the illumination at all points that are one (1) foot from a uniform point source of one (1) candle power.)
- f. Vibration
 - (1) Any use creating intense earth-shaking vibrations shall be set back from a residence district boundary at least two hundred fifty (250) feet, or at least one hundred fifty (150) feet from a business district boundary.
 - (2) Earth-shaking vibrations at the industrial property line shall not be in violation of this Code as long as the vibration is not perceptible without the aid of instruments.
- g. Noise. At no point along the boundary of a 1-2 district shall the sound pressure level of any operation or plant (other than background noises produced by sources not under the control of this Code) exceed the decibel limits in the Octave Bands designated below:

Maximum Permitted Sound for Open Industrial Uses

Octave Band Frequency (Cycles Per Second)	Maximum Permitted Sound Level (In Decibels) Along Residential District Boundaries	Maximum Permitted Sound Level (In Decibels) Along Commercial District Boundaries
0 to 75	72	79
75 to 150	67	74
150 to 300	59	66
300 to 600	52	59
600 to 1200	46	53
1200 to 2400	40	47
2400 to 4800	34	41
Above 4800	32	39

The prescribed limits for sound levels adjacent to residential district boundaries shall apply between the hours of 8:00 AM and 6:00 PM. At other times, the allowable sound levels in each octave band are each reduced by six (6) decibels.

Sound levels shall be measured with a sound level meter and associated octave band analyzer or filter, manufactured and calibrated in compliance with standards prescribed by the American Standards Association. Measurements shall be made using the flat C network of the sound level meter and the fast meter movement of the octave band analyzer. Impulsive noises are not subject to the performance standards prescribed herein if they cause rapid fluctuations of the needle of the sound level meter with a variation of no more than plus two (2) decibels. Noises in capable of being so measured, such as irregular and intermittent noises, shall be controlled so as not to be a nuisance to adjacent uses.

h. Fire Hazards

- (1) Solid substances ranging from free burning to intense burning may be stored, used, or manufactured only within completely enclosed buildings having incombustible exterior walls and protected throughout by an automatic fire extinguishing system.
 - (2) The storage, utilization or manufacture of flammable liquids or materials which produce flammable vapors or gases shall be permitted in accordance with the rules and regulations of the State Fire Marshal's office. A Certificate of Compliance, issued by the State Fire Marshal's office, stating that the plans and specifications for a light industrial use comply with the rules and regulations of the State Fire Marshal's office shall accompany the application for an Improvement Location Permit.
- i. Any industrial operation or activity must, in addition to the above, conform with the provisions of the Indiana Air Pollution Law (Chapter 17, Acts of 1961, as amended) and the regulations promulgated thereunder, and any applicable

acts of the Federal Government. Where the requirements of this Code are more restrictive, they shall take precedence.

C. GENERAL CROSS-REFERENCE GUIDE FOR ADDITIONAL REGULATIONS

1. Permitted Land Uses
2. Permitted uses and special exceptions allowed within the Industrial Districts are set forth in the use matrix located in the Appendix.
3. Parking and Loading
4. The parking and loading requirements applicable in the Industrial Districts are set forth in Section 80.08 (Off-Street Parking and Loading).
5. Signs
6. Sign regulations applicable in the Industrial Districts are set forth in Section 80.09 (Signs).
7. Landscaping and Screening
8. Requirements relating to landscaping, screening, and buffering in the Industrial Districts are set forth in Section 80.10 (Landscaping).
9. Accessory Uses
10. Accessory uses, buildings, and structures customarily incidental to and commonly associated with a principal use may be permitted, subject to the provisions of Section 80.06 (Provisions Related to Specific Uses), and any limitation contained herein. Specifically permitted or allowed accessory uses, buildings, and structures are listed in Section 80.04.03.
11. Development Plan Review
12. All development within the Industrial Districts shall be subject to development plan review pursuant to Section 80.12.05.

D. BULK REGULATIONS

The following bulk regulations shall apply to all uses within the Industrial Zoning Districts.

80.05.T-6: INDUSTRIAL DISTRICTS BULK MATRIX

	I-1	I-2
MINIMUM LOT SIZE (SQ. FEET)		
	21,780 (1/2 acre)	21,780 (1/2 acre)
MINIMUM LOT WIDTH		
	100 feet	100 feet
MINIMUM REQUIRED SETBACKS		
Yard fronting on any street*: <ul style="list-style-type: none"> • Arterial Street • Collector (Feeder) Street • Local Street Rear	110 feet 90 feet 50 feet 25	110 feet 90 feet 50 feet 25

80.05.T-6: INDUSTRIAL DISTRICTS BULK MATRIX

Side	I-1	I-2
	20	20
MINIMUM OPEN SPACE		
	40%	40%
MAXIMUM BUILDING HEIGHT		
Principal Uses	60	60
Accessory Uses	24	24

*Setbacks along streets shall be measured from the historic centerline of the road.

SECTION 80.05.06: FP FLOOD PLAIN DISTRICT

Article 1. Statutory Authorization, Findings of Fact, Purpose, and Objectives.

Section A. Statutory Authorization.

The Indiana Legislature has in IC 36-7-4 granted the power to local government units to control land use within their jurisdictions. Therefore, the Board of Commissioners of Franklin County does hereby adopt the following floodplain management regulations.

Section B. Findings of Fact.

- (1) The flood hazard areas of Franklin County are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- (2) These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, flood-proofed, or otherwise unprotected from flood damages.

Section C. Statement of Purpose.

It is the purpose of this ordinance to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, which result in damaging increases in erosion or in flood heights or velocities;
- (2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;
- (4) Control filling, grading, dredging, and other development which may increase erosion or flood damage;
- (5) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands; and,
- (6) Make federally subsidized flood insurance available for structures and their contents in the County by fulfilling the requirements of the National Flood Insurance Program.

Section D. Objectives.

The objectives of this ordinance are:

- (1) To protect human life and health;
- (2) To minimize expenditure of public money for costly flood control projects;
- (3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) To minimize prolonged business interruptions;
- (5) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, streets, and bridges located in floodplains;
- (6) To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas, and;
- (7) To ensure that potential homebuyers are notified that property is in a flood area.

Article 2. Definitions.

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

A zone means portions of the SFHA in which the principal source of flooding is runoff from rainfall, snowmelt, or a combination of both. In A zones, floodwaters may move slowly or rapidly, but waves are usually not a significant threat to buildings. These areas are labeled as Zone A, Zone AE, Zones A1-A30, Zone AO, Zone AH, Zone AR and Zone A99 on a FIRM or FHBM. The definitions are presented below:

Zone A: Areas subject to inundation by the one-percent annual chance flood event. Because detailed hydraulic analyses have not been performed, no base flood elevation or depths are shown. Mandatory flood insurance purchase requirements apply.

Zone AE and A1-A30: Areas subject to inundation by the one-percent annual chance flood event determined by detailed methods. Base flood elevations are shown within these zones. Mandatory flood insurance purchase requirements apply. (Zone AE is on new and revised maps in place of Zones A1-A30.)

Zone AO: Areas subject to inundation by one-percent annual chance shallow flooding (usually sheet flow on sloping terrain) where average depths are between one and three feet. Average flood depths derived from detailed hydraulic analyses are shown within this zone. Mandatory flood insurance purchase requirements apply.

Zone AH: Areas subject to inundation by one-percent annual chance shallow flooding (usually areas of ponding) where average depths are 1-3 feet. Average flood depths derived from detailed hydraulic analyses are shown within this zone. Mandatory flood insurance purchase requirements apply.

Zone AR: Areas that result from the decertification of a previously accredited flood protection system that is determined to be in the process of being restored to provide base flood protection. Mandatory flood insurance purchase requirements apply.

Zone A99: Areas subject to inundation by the one-percent annual chance flood event, but which will ultimately be protected upon completion of an under-construction Federal flood protection system. These are areas of special flood hazard where enough progress has been made on the construction of a protection system, such as dikes, dams, and levees, to consider it complete for insurance rating purposes. Zone A99 may only be used when the flood protection system has reached specified statutory progress toward completion. No base flood elevations or depths are shown. Mandatory flood insurance purchase requirements apply.

Accessory structure (appurtenant structure) means a structure that is located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Accessory structures should constitute a minimal initial investment, may not be used for human habitation, and be designed to have minimal flood damage potential. Examples of accessory structures are detached garages, carports, storage sheds, pole barns, and hay sheds.

Addition (to an existing structure) means any walled and roofed expansion to the perimeter of a structure in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition, which is connected by a firewall or is separated by independent perimeter load-bearing walls, is new construction.

Appeal means a request for a review of the floodplain administrator's interpretation of any provision of this ordinance or a request for a variance.

Area of shallow flooding means a designated AO or AH Zone on the community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Base Flood Elevation (BFE) means the elevation of the one-percent annual chance flood.

Basement means that portion of a structure having its floor sub-grade (below ground level) on all sides.

Building - see "Structure."

Community means a political entity that has the authority to adopt and enforce floodplain ordinances for the area under its jurisdiction.

Community Rating System (CRS) means a program developed by the Federal Insurance Administration to provide incentives for those communities in the Regular Program that have gone beyond the minimum floodplain management requirements to develop extra measures to provide protection from flooding.

Critical facility means a facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to, schools, nursing homes, hospitals, police, fire, and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste.

Development means any man-made change to improved or unimproved real estate including but not limited to:

- (1) construction, reconstruction, or placement of a structure or any addition to a structure;
- (2) installing a manufactured home on a site, preparing a site for a manufactured home or installing recreational vehicle on a site for more than 180 days;
- (3) installing utilities, erection of walls and fences, construction of roads, or similar projects;
- (4) construction of flood control structures such as levees, dikes, dams, channel improvements, etc.;
- (5) mining, dredging, filling, grading, excavation, or drilling operations;
- (6) construction and/or reconstruction of bridges or culverts;
- (7) storage of materials; or
- (8) any other activity that might change the direction, height, or velocity of flood or surface waters.

"Development" does not include activities such as the maintenance of existing structures and facilities such as painting, re-roofing; resurfacing roads; or gardening, plowing, and similar agricultural practices that do not involve filling, grading, excavation, or the construction of permanent structures.

Elevated structure means a non-basement structure built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, or columns (posts and piers).

Elevation Certificate is a certified statement that verifies a structure's elevation information.

Emergency Program means the first phase under which a community participates in the NFIP. It is intended to provide a first layer amount of insurance at subsidized rates on all insurable structures in that community before the effective date of the initial FIRM.

Encroachment means the advance or infringement of uses, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

Existing Construction means any structure for which the "start of construction" commenced before effective date of the community's first floodplain ordinance.

Existing manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the community's first floodplain ordinance.

Expansion to an existing manufactured home park or subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FEMA means the Federal Emergency Management Agency.

Five-hundred year flood (500-year flood) means the flood that has a 0.2 percent chance of being equaled or exceeded in any year.

Flood means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.

Flood Boundary and Floodway Map (FBFM) means an official map on which the Federal Emergency Management Agency (FEMA) or Federal Insurance Administration (FIA) has delineated the areas of flood hazards and regulatory floodway.

Flood Hazard Boundary Map (FHBM) means an official map of a community, issued by FEMA, where the boundaries of the areas of special flood hazard have been identified as Zone A.

Flood Insurance Rate Map (FIRM) means an official map of a community, on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

Flood Insurance Study (FIS) is the official hydraulic and hydrologic report provided by FEMA. The report contains flood profiles, as well as the FIRM, FBFM (where applicable), and the water surface elevation of the base flood.

Floodplain means the channel proper and the areas adjoining any wetland, lake or watercourse which have been or hereafter may be covered by the regulatory flood. The floodplain includes both the floodway and the fringe districts.

Floodplain management means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

Floodplain management regulations means this ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power which control development in flood-prone areas. This term describes federal, state, or local regulations in any combination thereof, which provide standards for preventing and reducing flood loss and damage. Floodplain management regulations are also referred to as floodplain regulations, floodplain ordinance, flood damage prevention ordinance, and floodplain management requirements.

Flood Protection Grade (FPG) is the elevation of the regulatory flood plus two feet at any given location in the SFHA. (see “Freeboard”)

Floodproofing (dry floodproofing) is a method of protecting a structure that ensures that the structure, together with attendant utilities and sanitary facilities, is watertight to the floodproofed design elevation with walls that are substantially impermeable to the passage of water. All structural components of these walls are capable of resisting hydrostatic and hydrodynamic flood forces, including the effects of buoyancy, and anticipated debris impact forces.

Floodproofing certificate is a form used to certify compliance for non-residential structures as an alternative to elevating structures to or above the FPG. This certification must be by a Registered Professional Engineer or Architect.

Floodway is the channel of a river or stream and those portions of the floodplains adjoining the channel which are reasonably required to efficiently carry and discharge the peak flood flow of the regulatory flood of any river or stream.

Freeboard means a factor of safety, usually expressed in feet above the BFE, which is applied for the purposes of floodplain management. It is used to compensate for the many unknown factors that could contribute to flood heights greater than those calculated for the base flood.

Fringe is those portions of the floodplain lying outside the floodway.

Functionally dependent facility means a facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

Hardship (as related to variances of this ordinance) means the exceptional hardship that would result from a failure to grant the requested variance. The Board of Zoning Appeals requires that the variance is exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is NOT exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one’s neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

Highest adjacent grade means the highest natural elevation of the ground surface, prior to the start of construction, next to the proposed walls of a structure.

Historic structure means any structure individually listed on the Register of Historic Places or the Indiana State Survey of Historic Architectural, Archaeological and Cultural Sites, Structures, Districts, and Objects.

Increased Cost of Compliance (ICC) means the cost to repair a substantially damaged structure that exceeds the minimal repair cost and that is required to bring a substantially damaged structure into compliance with the

local flood damage prevention ordinance. Acceptable mitigation measures are elevation, relocation, demolition, or any combination thereof. All renewal and new business flood insurance policies with effective dates on or after June 1, 1997, will include ICC coverage.

Letter of Map Amendment (LOMA) means an amendment to the currently effective FEMA map that establishes that a property is not located in a SFHA. A LOMA is only issued by FEMA.

Letter of Map Revision (LOMR) means an official revision to the currently effective FEMA map. It is issued by FEMA and changes flood zones, delineations, and elevations.

Letter of Map Revision Based on Fill (LOMR-F) means an official revision by letter to an effective NFIP map. A LOMR-F provides FEMA's determination concerning whether a structure or parcel has been elevated on fill above the BFE and excluded from the SFHA.

Lowest adjacent grade means the lowest elevation, after completion of construction, of the ground, sidewalk, patio, deck support, or basement entryway immediately next to the structure.

Lowest floor means the lowest of the following:

- (1) the top of the lowest level of the structure;
- (2) the top of the basement floor;
- (3) the top of the garage floor, if the garage is the lowest level of the structure;
- (4) the top of the first floor of a structure elevated on pilings or pillars;
- (5) the top of the first floor of a structure constructed with a crawl space, provided that the lowest point of the interior grade is at or above the BFE and construction meets requirements of 6. a.; or
- (6) the top of the floor level of any enclosure, other than a basement, below an elevated structure where the walls of the enclosure provide any resistance to the flow of flood waters unless:
 - a). the walls are designed to automatically equalize the hydrostatic flood forces on the walls by allowing for the entry and exit of flood waters, by providing a minimum of two openings (in addition to doorways and windows) having a total net area of one (1) square inch for every square foot of enclosed area subject to flooding. The bottom of all such openings shall be no higher than one (1) foot above grade; and,
 - b). such enclosed space shall be usable solely for the parking of vehicles and building access.

Manufactured home means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

Manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Map amendment means a change to an effective NFIP map that results in the exclusion from the SFHA of an individual structure or a legally described parcel of land that has been inadvertently included in the SFHA (i.e., no alterations of topography have occurred since the date of the first NFIP map that showed the structure or parcel to be within the SFHA).

Map panel number is the four-digit number followed by a letter suffix assigned by FEMA on a flood map. The first four digits represent the map panel, and the letter suffix represents the number of times the map panel has been revised. (The letter "A" is not used by FEMA, the letter "B" is the first revision.)

Market value means the building value, excluding the land (as agreed to between a willing buyer and seller), as established by what the local real estate market will bear. Market value can be established by independent certified appraisal, replacement cost depreciated by age of building (actual cash value), or adjusted assessed values.

Mitigation means sustained actions taken to reduce or eliminate long-term risk to people and property from hazards and their effects. The purpose of mitigation is two fold: to protect people and structures, and to minimize the cost of disaster response and recovery.

National Flood Insurance Program (NFIP) is the federal program that makes flood insurance available to owners of property in participating communities nationwide through the cooperative efforts of the Federal Government and the private insurance industry.

National Geodetic Vertical Datum (NGVD) as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.

New construction means any structure for which the “start of construction” commenced after the effective date of the community’s first floodplain ordinance.

New manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the community’s first floodplain ordinance.

Obstruction includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, canalization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation, or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water; or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

One-hundred year flood (100-year flood) is the flood that has a one percent (1%) chance of being equaled or exceeded in any given year. Any flood zone that begins with the letter A is subject to the one-percent annual chance flood. See “Regulatory Flood”.

One-percent annual chance flood is the flood that has a one percent (1%) chance of being equaled or exceeded in any given year. Any flood zone that begins with the letter A is subject to the one-percent annual chance flood. See “Regulatory Flood”.

Participating community is any community that voluntarily elects to participate in the NFIP by adopting and enforcing floodplain management regulations that are consistent with the standards of the NFIP.

Physical Map Revision (PMR) is an official republication of a community’s FEMA map to effect changes to base (1-percent annual chance) flood elevations, floodplain boundary delineations, regulatory floodways, and planimetric features. These changes typically occur as a result of structural works or improvements, annexations resulting in additional flood hazard areas, or correction to base flood elevations or SFHAs.

Post-FIRM construction means construction or substantial improvement that started on or after the effective date of the initial FIRM of the community or after December 31, 1974, whichever is later.

Pre-FIRM construction means construction or substantial improvement, which started on or before December 31, 1974, or before the effective date of the initial FIRM of the community, whichever is later.

Probation is a means of formally notifying participating communities of violations and deficiencies in the administration and enforcement of the local floodplain management regulations.

Public safety and nuisance, anything which is injurious to the safety or health of an entire community, neighborhood or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

Recreational vehicle means a vehicle which is (1) built on a single chassis; (2) 400 square feet or less when measured at the largest horizontal projections; (3) designed to be self-propelled or permanently towable by a light duty truck; and (4) designed primarily not for use as a permanent dwelling, but as quarters for recreational camping, travel, or seasonal use.

Regular program means the phase of the community's participation in the NFIP where more comprehensive floodplain management requirements are imposed and higher amounts of insurance are available based upon risk zones and elevations determined in a FIS.

Regulatory flood means the flood having a one percent (1%) chance of being equaled or exceeded in any given year, as calculated by a method and procedure that is acceptable to and approved by the Indiana Department of Natural Resources and the Federal Emergency Management Agency. The regulatory flood elevation at any location is as defined in Article 3 (B) of this ordinance. The "Regulatory Flood" is also known by the term "Base Flood", "One-Percent Annual Chance Flood", and "100-Year Flood".

Repetitive loss means flood-related damages sustained by a structure on two separate occasions during a 10-year period ending on the date of the event for which the second claim is made, in which the cost of repairing the flood damage, on the average, equaled or exceeded 25% of the market value of the structure at the time of each such flood event.

Section 1316 is that section of the National Flood Insurance Act of 1968, as amended, which states that no new flood insurance coverage shall be provided for any property that the Administrator finds has been declared by a duly constituted state or local zoning authority or other authorized public body to be in violation of state or local laws, regulations, or ordinances that intended to discourage or otherwise restrict land development or occupancy in flood-prone areas.

Special Flood Hazard Area (SFHA) means those lands within the jurisdictions of the County subject to inundation by the regulatory flood. The SFHAs of Franklin County, Brookville, Cedar Grove, Laurel, Mt. Carmel, and Oldenburg are generally identified as such on the Flood Insurance Rate Map of Franklin County and Incorporated Areas dated November 2, 1995, as well as any future updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date. (These areas are shown on a FIRM as Zone A, AE, A1- A30, AH, AR, A99, or AO).

Start of construction includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement or permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footing, installation of piles, construction of columns, or any work beyond the stage of excavation for placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure means a structure that is principally above ground and is enclosed by walls and a roof. The term includes a gas or liquid storage tank, a manufactured home, or a prefabricated building. The term also includes recreational vehicles to be installed on a site for more than 180 days.

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "substantial damage" regardless of the actual repair work performed. The term does not include improvements of structures to correct existing violations of state or local health, sanitary, or safety code requirements or any alteration of a "historic structure", provided that the alteration will not preclude the structures continued designation as a "historic structure".

Suspension means the removal of a participating community from the NFIP because the community has not enacted and/or enforced the proper floodplain management regulations required for participation in the NFIP.

Variance is a grant of relief from the requirements of this ordinance, which permits construction in a manner otherwise prohibited by this ordinance where specific enforcement would result in unnecessary hardship.

Violation means the failure of a structure or other development to be fully compliant with this ordinance. A structure or other development without the elevation, other certification, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

Watercourse means a lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

Water surface elevation means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum where specified) of floods of various magnitudes and frequencies in the floodplains of riverine areas.

X zone means the area where the flood hazard is less than that in the SFHA. Shaded X zones shown on recent FIRMs (B zones on older FIRMs) designate areas subject to inundation by the flood with a 0.2 percent chance of being equaled or exceeded (the 500-year flood). Unshaded X zones (C zones on older FIRMs) designate areas where the annual exceedance probability of flooding is less than 0.2 percent.

Zone means a geographical area shown on a FHBM or FIRM that reflects the severity or type of flooding in the area.

Zone A (see definition for A zone)

Zone B, C, and X means areas identified in the community as areas of moderate or minimal hazard from the principal source of flood in the area. However, buildings in these zones could be flooded by severe, concentrated rainfall coupled with inadequate local drainage systems. Flood insurance is available in participating communities but is not required by regulation in these zones. (Zone X is used on new and revised maps in place of Zones B and C.)

Article 3. General Provisions.

Section A. Lands to Which This Ordinance Applies.

This ordinance shall apply to all SFHAs within the jurisdiction of the Franklin County Area Plan Commission including Franklin County and the Towns of Brookville, Cedar Grove, Laurel, Mt. Carmel, and Oldenburg.

Section B. Basis for Establishing Regulatory Flood Data.

This ordinance's protection standard is the regulatory flood. The best available regulatory flood data is listed below. Whenever a party disagrees with the best available data, the party submitting the detailed engineering study needs to replace existing data with better data and submit it to the Indiana Department of Natural Resources for review and approval.

- (1) The regulatory flood elevation, floodway, and fringe limits for the studied SFHAs of Franklin County and the Towns of Brookville, Cedar Grove, Laurel, Mt. Carmel, and Oldenburg shall be as delineated on the 100 year flood profiles in the Flood Insurance Study of Franklin County and Incorporated Areas, dated November 2, 1995 and the corresponding FIRM dated November 2, 1995, as well as any future updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date.
- (2) The regulatory flood elevation, floodway, and fringe limits for each of the unstudied SFHAs of Franklin County and the Towns of Brookville, Cedar Grove, Laurel, Mt. Carmel, and Oldenburg delineated as an "A Zone" on the FIRM of Franklin County and Incorporated Areas shall be according to the best data available as provided by the Indiana Department of Natural Resources.

Section C. Establishment of Floodplain Development Permit.

A Floodplain Development Permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities in areas of special flood hazard.

Section D. Compliance.

No structure shall hereafter be located, extended, converted or structurally altered within the SFHA without full compliance with the terms of this ordinance and other applicable regulations. No land or stream within the SFHA shall hereafter be altered without full compliance with the terms of this ordinance and other applicable regulations.

Section E. Abrogation and Greater Restrictions.

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

Section F. Discrepancy between Mapped Floodplain and Actual Ground Elevations.

- (1) In cases where there is a discrepancy between the mapped floodplain (SFHA) on the FIRM and the actual ground elevations, the elevation provided on the profiles shall govern.
- (2) If the elevation of the site in question is below the base flood elevation, that site shall be included in the SFHA and regulated accordingly.
- (3) If the elevation (natural grade) of the site in question is above the base flood elevation, that site shall be considered outside the SFHA and the floodplain regulations will not be applied. The property owner should be advised to apply for a LOMA.

Section G. Interpretation.

In the interpretation and application of this ordinance all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and,
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

Section H. Warning and Disclaimer of Liability.

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods can and will occur on rare occasions. Therefore, this ordinance does not create any liability on the part of the community, the Indiana Department of Natural Resources, or the State of Indiana, for any flood damage that results from reliance on this ordinance or any administrative decision made lawfully thereunder.

Section I. Penalties for Violation.

Failure to obtain a Floodplain Development Permit in the SFHA or failure to comply with the requirements of a Floodplain Development Permit or conditions of a variance shall be deemed to be a violation of this ordinance. All violations shall be considered a common nuisance and be treated as such in accordance with the provisions of the Zoning Code for Franklin County. All violations shall be punishable by a fine not exceeding \$ **2,500.00**.

- (1) A separate offense shall be deemed to occur for each day the violation continues to exist.
- (2) The Franklin County Planning Commission shall inform the owner that any such violation is considered a willful act to increase flood damages and therefore may cause coverage by a Standard Flood Insurance Policy to be suspended.
- (3) Nothing herein shall prevent the County from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.

Article 4. Administration.

Section A. Designation of Administrator.

The Board of Commissioners of Franklin County hereby appoints the Executive Director of the Franklin County Area Planning & Zoning Commission to administer and implement the provisions of this ordinance and is herein referred to as the Floodplain Administrator.

Section B. Permit Procedures.

Application for a Floodplain Development Permit shall be made to the Floodplain Administrator on forms furnished by him or her prior to any development activities, and may include, but not be limited to, the following plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill, storage of materials or equipment, drainage facilities, and the location of the foregoing. Specifically the following information is required:

- (1) Application stage.
 - a). A description of the proposed development;
 - b). Location of the proposed development sufficient to accurately locate property and structure in relation to existing roads and streams;

- c). A legal description of the property site;
- d). A site development plan showing existing and proposed development locations and existing and proposed land grades;
- e). Elevation of the top of the lowest floor (including basement) of all proposed buildings. Elevation should be in National Geodetic Vertical Datum of 1929 (NGVD);
- f). Elevation (in NGVD) to which any non-residential structure will be floodproofed;
- g). Description of the extent to which any watercourse will be altered or related as a result of proposed development, and;

(2) Construction stage.

Upon placement of the lowest floor; or floodproofing, it shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the NGVD elevation of the lowest floor or floodproofed elevation, as built. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by the same. When floodproofing is utilized for a particular structure said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. Any work undertaken prior to submission of the certification shall be at the permit holders' risk. (The Floodplain Administrator shall review the lowest floor and floodproofing elevation survey data submitted.) The permit holder shall correct deficiencies detected by such review before any further work is allowed to proceed. Failure to submit the survey or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

Section C. Duties and Responsibilities of the Floodplain Administrator.

The Floodplain Administrator and/or designated staff is hereby authorized and directed to enforce the provisions of this ordinance. The administrator is further authorized to render interpretations of this ordinance, which are consistent with its spirit and purpose.

Duties and Responsibilities of the Floodplain Administrator shall include, but not be limited to:

- (1) Review all floodplain development permits to assure that the permit requirements of this ordinance have been satisfied;
- (2) Inspect and inventory damaged structures in SFHA and complete substantial damage determinations;
- (3) Ensure that construction authorization has been granted by the Indiana Department of Natural Resources for all development projects subject to Article 5, Section D and F of this ordinance, and maintain a record of such authorization (either copy of actual permit or floodplain analysis/regulatory assessment.)
- (4) Ensure that all necessary federal or state permits have been received prior to issuance of the local floodplain development permit. Copies of such permits are to be maintained on file with the floodplain development permit;
- (5) Notify adjacent communities and the State Floodplain Coordinator prior to any alteration or relocation of a watercourse, and submit copies of such notifications to FEMA;
- (6) Maintain for public inspection and furnish upon request local permit documents, damaged structure inventories, substantial damage determinations, regulatory flood data, SFHA maps, Letters of Map

Amendment (LOMA), Letters of Map Revision (LOMR), copies of DNR permits and floodplain analysis and regulatory assessments (letters of recommendation), federal permit documents, and “as-built” elevation and floodproofing data for all buildings constructed subject to this ordinance.

- (7) Utilize and enforce all Letters of Map Revision (LOMR) or Physical Map Revisions (PMR) issued by FEMA for the currently effective SFHA maps of the community.
- (8) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished;
- (9) Verify and record the actual elevation of the lowest floor (including basement) of all new or substantially improved structures, in accordance with Article 4 Section B;
- (10) Verify and record the actual elevation to which any new or substantially improved structures have been floodproofed, in accordance with Article 4, Section B;
- (11) Review certified plans and specifications for compliance.

Article 5. Provisions for Flood Hazard Reduction.

Section A. General Standards.

In all SFHAs the following provisions are required:

- (1) New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure;
- (2) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces;
- (3) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage below the FPG;
- (4) New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage;
- (5) Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
- (6) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (7) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (8) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;

- (9) Any alteration, repair, reconstruction or improvements to a structure that is in compliance with the provisions of this ordinance shall meet the requirements of “new construction” as contained in this ordinance; and,
- (10) Any alteration, repair, reconstruction or improvement to a structure that is not in compliance with the provisions of this ordinance, shall be undertaken only if said non-conformity is not further, extended, or replaced.

Section B. Specific Standards.

In all SFHAs, the following provisions are required:

- (1) In addition to the requirements of Article 5, Section A, all structures to be located in the SFHA shall be protected from flood damage below the FPG. This building protection requirement applies to the following situations:
 - a). Construction or placement of any new structure having a floor area greater than 400 square feet;
 - b). Structural alterations made to:
 - (i) an existing (previously unaltered structure), the cost of which equals or exceeds 50% of the value of the pre-altered structure (excluding the value of the land);
 - (ii) any previously altered structure
 - c). Reconstruction or repairs made to a damaged structure that are valued at more than 50% of the market value of the structure (excluding the value of the land) before damaged occurred;
 - d). Installing a travel trailer or recreational vehicle on a site for more than 180 days;
 - e). Installing a manufactured home on a new site or a new manufactured home on an existing site. This ordinance does not apply to returning the existing manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage; and
- (2) **Residential Construction.** New construction or substantial improvement of any residential structure (or manufactured home) shall have the lowest floor; including basement, at or above the FPG (two feet above the base flood elevation). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of Article 5, Section B (4).
- (3) **Non-Residential Construction.** New construction or substantial improvement of any commercial, industrial, or non-residential structure (or manufactured home) shall have the lowest floor, including basement, elevated to or above the FPG (two feet above the base flood elevation). Structures located in all “A Zones” may be floodproofed in lieu of being elevated if done in accordance with the following:
 - a). A Registered Professional Engineer or Architect shall certify that the structure has been designed so that below the FPG, the structure and attendant utility facilities are watertight and capable of resisting the effects of the regulatory flood. The structure design shall take into account flood velocities, duration, rate of rise, hydrostatic pressures, and impacts from debris or ice. Such certification shall be provided to the official as set forth in Article 4, Section C (9).
 - b). Floodproofing measures shall be operable without human intervention and without an outside source of electricity.

- (4) **Elevated Structures.** New construction or substantial improvements of elevated structures that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevations shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.
- a). Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the follow minimum criteria:
 - (i) provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - (ii) the bottom of all openings shall be no higher than one foot above foundation interior grade (which must be equal to in elevation or higher than the exterior foundation grade); and
 - (iii) openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
 - (iv) access to the enclosed area shall be the minimum necessary to allow for parking for vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator); and
 - (v) the interior portion of such enclosed area shall not be partitioned or finished into separate rooms.
- (5) **Structures Constructed on Fill.** A residential or nonresidential structure may be constructed on a permanent land fill in accordance with the following:
- a). The fill shall be placed in layers no greater than 1 foot deep before compacting to 95% of the maximum density obtainable with the Standard Proctor Test method.
 - b). The fill should extend at least ten feet beyond the foundation of the structure before sloping below the FPG.
 - c). The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or bulkheading. If vegetative cover is used, the slopes shall be no steeper than 3 horizontal to 1 vertical.
 - d). The fill shall not adversely affect the flow of surface drainage from or onto neighboring properties.
 - e). The top of the lowest floor including basements shall be at or above the FPG.
- (6) **Standards for Structures Constructed with a Crawlspace.** A residential or nonresidential structure may be constructed with a crawlspace located below the flood protection grade provided that the following conditions are met:
- a). The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy; and
 - b). Any enclosed area below the flood protection grade shall have openings that equalize hydrostatic pressures by allowing for the automatic entry and exit of floodwaters. A minimum of one opening on each wall having a total net area of not less than one square inch for every

one square foot of enclosed area. The bottom of the openings shall be no more than one foot above grade; and

- c). The interior grade of the crawlspace must be at or above the base flood elevation; and
 - d). The interior height of the crawlspace measured from the interior grade of the crawlspace to the top of the foundation wall must not exceed four feet at any point; and
 - e). An adequate drainage system must be installed to remove floodwaters from the interior area of the crawlspace within a reasonable period of time after a flood event; and
 - f). Portions of the building below the flood protection grade must be constructed with materials resistant to flood damage; and
 - g). Utility systems within the crawlspace must be elevated above the flood protection grade.
- (7) **Standards for Manufactured Homes and Recreational Vehicles.** Manufactured homes and recreational vehicles to be installed or substantially improved on a site for more than 180 days must meet one of the following requirements:
- a). The manufactured home shall be elevated on a permanent foundation such that the lowest floor shall be at or above the FPG and securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. This requirement applies to all manufactured homes to be placed on a site;
 - (i) outside a manufactured home park or subdivision;
 - (ii) in a new manufactured home park or subdivision;
 - (iii) in an expansion to an existing manufactured home park or subdivision; or
 - (iii) in an existing manufactured home park or subdivision on which a manufactured home has incurred “substantial damage” as a result of a flood.
 - b). The manufactured home shall be elevated so that the lowest floor of the manufactured home chassis is supported by reinforced piers or other foundation elevations that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. This requirement applies to all manufactured homes to be placed on a site in an existing manufactured home park or subdivision that has not been substantially damaged by a flood.
- c). Recreational vehicles placed on a site shall either:
- (i) be on site for less than 180 days; and,
 - (ii) be fully licensed and ready for highway use (defined as being on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions); or
 - (iii) meet the requirements for “manufactured homes” as stated earlier in this section.

Section C. Standards for Subdivision Proposals.

- (1) All subdivision proposals shall be consistent with the need to minimize flood damage;

- (2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
- (3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards, and;
- (4) Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions), which is greater than the lesser of fifty lots or five acres.

Section D. Critical Facility.

Construction of new critical facilities shall be, to the extent possible, located outside the limits of the SFHA. Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated to or above the FPG at the site. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the FPG shall be provided to all critical facilities to the extent possible.

Section E. Standards for Identified Floodways.

Located within SFHAs, established in Article 3, Section B, are areas designated as floodways. The floodway is an extremely hazardous area due to the velocity of floodwaters, which carry debris, potential projectiles, and has erosion potential. If the site is in an identified floodway, the Floodplain Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indiana Department of Natural Resources and apply for a permit for construction in a floodway. Under the provisions of IC 14-28-1 a permit for construction in a floodway from the Indiana Department of Natural Resources is required prior to the issuance of a local building permit for any excavation, deposit, construction or obstruction activity located in the floodway. This includes land preparation activities such as filling, grading, clearing and paving etc. undertaken before the actual start of construction of the structure. However, it does exclude non-substantial additions/improvements to existing (lawful) residences in a non-boundary river floodway. (IC 14-28-1-26 allows construction of non-substantial additions/ improvements to residences in a non-boundary river floodway without obtaining a permit for construction in a floodway from the Indiana Department of Natural Resources. Please note that if fill is needed to elevate an addition above the existing grade, prior approval (construction in a floodway permit) for the fill is required from the Indiana Department of Natural Resources.)

No action shall be taken by the Floodplain Administrator until a permit (when applicable) has been issued by the Indiana Department of Natural Resources granting approval for construction in a floodway. Once a permit for construction in a floodway has been issued by the Indiana Department of Natural Resources, the Floodplain Administrator may issue the local Floodplain Development Permit, provided the provisions contained in Article 5 of this ordinance have been met. The Floodplain Development Permit cannot be less restrictive than the permit for construction in a floodway issued by the Indiana Department of Natural Resources. However, a community's more restrictive regulations (if any) shall take precedence.

No development shall be allowed which acting alone or in combination with existing or future development, will increase the regulatory flood more than 0.14 of one foot; and

For all projects involving channel modifications or fill (including levees) the [City/Town/County] shall submit the data and request that the Federal Emergency Management Agency revise the regulatory flood data.

Section F. Standards for Identified Fringe.

If the site is located in an identified fringe, then the Floodplain Administrator may issue the local Floodplain Development Permit provided the provisions contained in Article 5 of this ordinance have been met. The key provision is that the top of the lowest floor of any new or substantially improved structure shall be at or above the FPG.

G. Standards for SFHAs Without Established Base Flood Elevation and/or Floodways/Fringes.

- (1) Drainage area upstream of the site is greater than one square mile:

If the site is in an identified floodplain where the limits of the floodway and fringe have not yet been determined, and the drainage area upstream of the site is greater than one square mile, the Floodplain Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indiana Department of Natural Resources for review and comment.

No action shall be taken by the Floodplain Administrator until either a permit for construction in a floodway or a floodplain analysis/regulatory assessment citing the 100 year flood elevation and the recommended Flood Protection Grade has been received from the Indiana Department of Natural Resources.

Once the Floodplain Administrator has received the proper permit for construction in a floodway or floodplain analysis/regulatory assessment approving the proposed development, a Floodplain Development Permit may be issued provided the conditions of the Floodplain Development Permit are not less restrictive than the conditions received from the Indiana Department of Natural Resources and the provisions contained in Article 5 of this ordinance have been met.

- (2) Drainage area upstream of the site is less than one square mile:

If the site is in an identified floodplain where the limits of the floodway and fringe have not yet been determined and the drainage area upstream of the site is less than one square mile, the Floodplain Administrator shall require the applicant to provide an engineering analysis showing the limits of the floodway, fringe and 100 year flood elevation for the site.

Upon receipt, the Floodplain Administrator may issue the local Floodplain Development Permit, provided the provisions contained in Article 5 of this ordinance have been met.

- (3) The total cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the regulatory flood more than 0.14 of one foot and will not increase flood damages or potential flood damages.

Article 6. Variance Procedures.

Section A. Designation of Variance and Appeals Board.

The Board of Zoning Appeals as established by the Board of Commissioners of Franklin County shall hear and decide appeals and requests for variances from requirements of this ordinance.

Section B. Duties of Variance and Appeals Board.

The board shall hear and decide appeals when it is alleged an error in any requirement, decision, or determination is made by the Floodplain Administrator in the enforcement or administration of this ordinance. Any person aggrieved by the decision of the board may appeal such decision to the **Franklin County Circuit Court**, as provided in **I.C. 3-7-4-1000 through 1018**.

Section C. Variance Procedures.

In passing upon such applications, the Board of Zoning Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and;

- (1) The danger of life and property due to flooding or erosion damage;
- (2) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- (3) The importance of the services provided by the proposed facility to the community;
- (4) The necessity to the facility of a waterfront location, where applicable;
- (5) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
- (6) The compatibility of the proposed use with existing and anticipated development;
- (7) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- (8) The safety of access to the property in times of flood for ordinary and emergency vehicles;
- (9) The expected height, velocity, duration, rate of rise, and sediment of transport of the floodwaters at the site; and,
- (10) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

Section D. Conditions for Variances.

- (1) Variances shall only be issued when there is:
 - a). A showing of good and sufficient cause;
 - b). A determination that failure to grant the variance would result in exceptional hardship; and,
 - c). A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud or victimization of the public, or conflict with existing laws or ordinances.
- (2) No variance for a residential use within a floodway subject to Article 5, Section D or Section F of this ordinance may be granted.
- (3) Any variance granted in a floodway subject to Article 5, Section D or Section F of this ordinance will require a permit from the Indiana Department of Natural Resources.
- (4) Variances to the Provisions for Flood Hazard Reduction of Article 5, Section B, may be granted only when a new structure is to be located on a lot of one-half acre or less in size, contiguous to and surrounded by lots with existing structures constructed below the flood protection grade.

- (5) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (6) Variances may be granted for the reconstruction or restoration of any structure individually listed on the Register of Historic Places or the Indiana State Survey of Historic Architectural, Archaeological and Cultural Sites, Structures, Districts, and Objects.
- (7) Any application to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the lowest floor is to be built and stating that the cost of the flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation (See Section E).
- (8) The Floodplain Administrator shall maintain the records of appeal actions and report any variances to the Federal Emergency Management Agency or the Indiana Department of Natural Resources upon request (See Section E).

Section E. Variance Notification.

Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:

- (1) The issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and;
- (2) Such construction below the base flood level increases risks to life and property. The Floodplain Administrator will maintain a record of all variance actions, including justification for their issuance, and report such variances issued in the community's biennial report submission to the Federal Emergency Management Agency.

Section F. Historic Structure.

Variances may be issued for the repair or rehabilitation of "historic structures" upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an "historic structure" and the variance is the minimum to preserve the historic character and design of the structure.

Section G. Special Conditions.

Upon the consideration of the factors listed in Article 6, and the purposes of this ordinance, the Board of Zoning Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

Article 7. Severability.

If any section, clause, sentence, or phrase of the Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this Ordinance.

SECTION 80.05.07: PUD PLANNED UNIT DEVELOPMENT DISTRICT

This district is intended to provide more development flexibility than is possible through the application of customary zoning regulations. In recognition of both the rapid changes in design and technology in the building industry and new demands in the housing market, it is deemed necessary to meet those changes in a manner that will be consistent with the best interests of Franklin County and the incorporated towns.

A. STATEMENT OF PURPOSE

1. To encourage a more creative approach in land and building site planning.
2. To encourage an efficient, aesthetic and desirable use of open space.
3. To promote variety in the physical development pattern of the community.
4. To achieve flexibility and incentives for residential development which will produce a wider range of choice.
5. To encourage renewal of older areas where new development and restoration are needed to revitalize the areas.
6. To permit special consideration of property without unique features, such as historical significance, unusual topography, landscape amenities, and size and shape.
7. To recapture by-passed land so poorly planned and developed as to be a public liability.
8. To simplify processing of development proposals for developers and the Commission by providing for concurrent review of land use, subdivision, public improvements and siting considerations.

B. APPLICABILITY

1. The provisions of this Section shall apply to a tract of land proposed to be developed for twenty (20) or more dwelling units; provided that said provisions may apply to a proposed development in which the primary or entire use is business or enclosed industrial use when such proposal is deemed to be in the best interests of Franklin County and the participating towns.
2. The provisions of this Section shall apply only to proposed new developments and shall not apply to any part of an area contained within a subdivision previously approved (and recorded) in accordance with the requirements of Chapter 81, Subdivision Control Code, prior to the time of passage of the Code comprising this Chapter, (Chapter 80) or any Planned Unit Development which is now fully or partially developed, nor to any such development for which a final authorization has been granted pursuant to a previous ordinance.
3. Uses permitted in a residential unit development plan may be included and shall be limited to:
 - a. Dwelling units in detached, semi-detached, attached or multi-storied structures or any combination thereof.
 - b. Non-residential uses of a religious, cultural, recreational and business or enclosed industrial character, which uses are an integral part of a residential development logically oriented to and coordinated with the total planned unit. Such uses shall be planned and gauged primarily for

the service and convenience of the anticipated population of the planned unit development.

- c. No business use, nor any building devoted primarily to a business use or enclosed industrial use, shall be built or established prior to the residential buildings or uses it is designed or intended to serve.
4. A proposed planned unit development shall be designed to produce an environment of stable and desirable character in keeping with the principles of good neighborhood design, and must provide standards of open space, efficiency in street patterns and areas for parking adequate for the occupancy proposed, or equal to the requirements of this Code.
5. Before approval of a preliminary planned unit development plan, a detailed determination of land use intensity shall be declared, and the Commission shall make a finding that said intensity is consistent with the Comprehensive Plan of current adoption and the best interest of the County and the incorporated towns.

C. PROCEDURE

The authorization of a planned unit development shall be subject to the procedures expressed herein.

1. A preliminary plan for any area proposed for development as a planned unit development shall be first presented to the Executive Director. At such presentation, three (3) copies of a preliminary plan of the proposed development, containing the following information, shall be submitted for advice:
 - a. Proposed dimensioned layout to scale not to exceed 100' = 1" of any streets, buildings, open space, property divisions and other elements basic to the proposed use in relationship to site conditions.
 - b. Proposed locations, amounts and types of non-residential uses within the area proposed to be developed.
 - c. Proposed plan for handling vehicular traffic, parking, sewage disposal, drainage, water supply, site perimeter treatment and other pertinent development features.
 - d. The preliminary plan may be an approximate drawing, but it shall include any other graphic mediums which will explain the features to be contained within the development of engineering feasibility.
 - e. If the unit development plan is to supersede an original plat or subdivision being vacated, the original plat shall be shown by dotted lines in relationship to the lines of the new plan, the new plan being clearly shown in solid lines.
 - f. The plan shall show the boundary lines of adjacent subdivided and unsubdivided land and the existing zoning of the area proposed to be developed, as well as the land adjacent thereto.
 - g. An enumeration of covenants, in general terms, proposed to be made a part of the unit development plan.
 - h. A statement expressing the order and estimated time of development.

2. Within fifteen (15) days after such presentation, the Executive Director shall consult with the petitioner regarding the preliminary plan. After such consultation, the petitioner may make modifications to the plan which are deemed appropriate.
3. Application for approval of the planned unit development shall then be submitted to the Commission with a letter of recommendation from the Executive Director, accompanied by six (6) copies of the preliminary plan (with modifications, if any) and any other desired supporting documents at a regular meeting of the Commission as a petition for amendment of the Zoning Code and subject to the procedures applicable thereto. The Commission may approve the plan submitted, amend and approve the plan as amended, or disapprove the plan. The Commission may impose any reasonable conditions upon its approval, including the recording of covenants. If approved, the preliminary plan with amendments, if any, shall be stamped "Approved Preliminary Unit Development Plan" and be signed by the president and secretary of the Commission, and one copy shall be permanently retained in the office of the Commission.
4. The preliminary unit development plan shall then be certified to the Board of County Commissioners or the responsible Town Board, as the case may be, for adoption as a "PUD" Planned Unit Development Plan pursuant to the laws governing amendment of the Zoning Code.
5. Upon adoption by the respective authority, the planned unit development shall be returned to the Commission which shall thereafter exercise continuing jurisdiction. Before any development takes place, the Commission shall approve a detailed planned unit development plan specifying the exact location, composition, and general engineering features of all lots, drainage, sewage, water supply facilities, recreational facilities, site perimeter treatment and other pertinent site development features including general locations and features of proposed buildings. Such approval shall be conditional upon the finding by the Commission that the detailed site plan is consistent with the approved Preliminary Unit Development Plan. The Commission may request the Planning Commission Staff to make additional recommendations concerning any modifications of the "Approved Preliminary Unit Development Plan." The approved detailed site plan shall be stamped "Approved Detailed Planned Unit Development Plan" and be signed by the President and Secretary of the Commission, and one (1) copy shall be permanently retained in the office of the Commission.
 - a. Approval of a detailed site plan shall be obtained within one (1) year after adoption by the Board of County Commissioners or respective Town Board of Trustees, unless the Commission, upon proper application, for good cause shown, grants an extension of time for such period as it deems is in the public interest; provided, however, only the "Approved Detailed Planned Unit Development Plan" shall be required within the said one (1) year period, and platting for recording purposes of all or an appropriate part of the Planned Unit Development Plan may be undertaken in sections or phases at a later time.
 - b. An "Approved Detailed Planned Unit Development Plan" may mean and be designated the same as a Plat which has been granted Secondary

Approval in accordance with the requirements of Chapter 81, Subdivision Control Code, provided the Detailed Planned Unit Development Plan meets all of the submittal requirements of a primary and secondary plat.

- c. A refusal by the Commission to approve a detailed planned unit development plan shall not be construed as a denial, and any such refusal shall not operate as a limitation on the right of the petitioner to continue to seek approval nor shall it impair the right of the petitioner to obtain an extension of time for approval.
 - d. In the event that approval of a detailed site plan is not obtained within the one (1) year period or an approved extension of time, the Commission shall initiate an amendment of the Zoning Code so that the land will be zoned into the category or categories it held before being reclassified as a "PUD" District.
6. The Commission may allow the petitioner to develop the property involved in phases. If such phasing is permitted, the Commission may allow the petitioner to submit partial detailed planned unit development plans which correspond to the phases involved. Such partial detailed planned unit development plans, when approved, shall be treated in the same manner as approved detailed planned unit development plans for an entire unit development plan.
7. Notwithstanding subsection C[5][b] above, where a platting, replatting or vacation of streets within all or a portion of the land involved is contemplated, the Commission shall handle such matters in accordance with its regular procedures in accordance with law.
8. No construction or installation work shall be done on any public improvements until satisfactory plans and specifications therefore have been submitted to the Commission in accordance with the provisions of Chapter 81, Subdivision Control Code, and the petitioner has, at least twenty-four (24) hours in advance, notified the Executive Director of his intention to begin such work, in order that inspections may be made as the work progresses.
9. In the exercise of its continuing jurisdiction, the Commission may from time to time modify the "Approved Detailed Planned Unit Development Plan" in a manner consistent with the "Approved Preliminary Planned Unit Development Plan," to allow for changed circumstances and conditions unforeseen at the time of its original approval.
10. All development shall be in conformity with the "Approved Detailed Planned Unit Development Plan." In the exercise of its continuing jurisdiction, the Commission shall take cognizance of any material deviations from the "Approved Planned Detailed Unit Development Plan" and take appropriate enforcement action.
11. Approval by the Commission shall expire after a period of two (2) years from the approval of a Detailed Unit Development Plan, unless the development is fifty percent (50%) completed in terms of public improvements, including streets, parks, walkways. An extension of time may be granted by the Commission not to exceed five (5) successive periods of two (2) years each.

12. All proceedings brought under this section shall be subject to the Rules of Procedure of the Commission, where not inconsistent with the procedure otherwise stated herein, except that notice by publication shall be sufficient notice for proceedings related solely to approval and modification of a detailed planned unit development plan.

D. ABANDONMENT OR EXPIRATION

Under the abandonment of a development authorized under this section (abandonment shall be deemed to have occurred when no improvements have been made pursuant to the Approved Detailed Unit Development Plan for twenty-four (24) consecutive months, or under the expiration of two (2) years from the approval by the Commission of a Detailed Planned Unit Development Plan for a development which has not been completed or the expiration of an extension granted by the Commission), the Commission shall initiate an amendment to the Zoning Code so that the land will be zoned (or reclassified) into a category or categories which most nearly approximate its then existing use or such other zoning category or categories which it deems appropriate.

E. RECORDING

An Approved Detailed Planned Unit Development Plan and modifications thereof shall be recorded in the appropriate plat books in the Office of the Franklin County Recorder within two (2) years after approval by the Commission,

F. PERMIT

No Improvement Location Permit shall be issued for a "PUD" District by the Executive Director unless all recording required by Sec. 80.28 (E) has been effected, and no Certificate of Occupancy shall be issued for a "PUD" District unless the Approved Detailed Unit Development Plan, with modifications, if any, is adhered to, all in compliance with the purposes of the Zoning Code.

G. COVENANTS AND MAINTENANCE

1. Covenants shall be required by the Commission as an ingredient for stability and longevity of the Planned Unit Development, and shall set forth, in detail, provisions for the ownership and maintenance of facilities held in common so as to reasonably insure their continuity and conservation. Said covenant provisions shall include special remedies in the event facilities held in common are permitted to deteriorate or are not maintained in a condition consistent with the best interests of the County or respective town, and in such event the County or respective town shall take those remedial steps provided for in such provisions.
2. The Commission may require the recording of covenants for any reasonable public or semi-public purpose, including, but not limited to, the allocation of land by the petitioner for public thoroughfares, parks, schools, recreational facilities, and other public and semi-public purposes. Such covenants shall provide that if a governmental unit or agency thereof does not proceed with acquisition of allocated land within a specified period of time, the covenants shall automatically terminate. If such termination occurs, the petitioner shall then submit for approval by the Commission a modified detailed planned unit

development plan for such land consistent with the Approved Preliminary Unit Development Plan. Such modified detailed planned unit development plans, when approved, shall be treated in the same manner as approved detailed planned unit development plans for an entire Planned Unit Development.

3. The Commission may require the recording of covenants for any other reasonable purpose, including, but not limited to, imposing standards for development of property in a Unit Development Plan. Such development standards may include, but are not limited to, requirements as to the following:
 - a. Lot area.
 - b. Floor area.
 - c. Ratios of floor space to land area.
 - d. Area in which structures may be built (building area), including areas for cluster type residential development without lot lines.
 - e. Open space.
 - f. Setback lines minimum yards.
 - g. Building separations.
 - h. Height of structures.
 - i. Signs.
 - j. Off-street parking and loading and unloading areas.
 - k. Design standards.
 - l. Phasing of development.
4. The petitioner shall provide financial assurance for the satisfactory installation of all public facilities in the form of bonds or such other assurances as are required in the normal procedures of platting pursuant to the provisions of Chapter 81, Subdivision Control Code.
5. Adequate provision shall be made for a private organization with direct responsibility to, and control by, the property owners involved to provide for the operation and maintenance of all common facilities including private streets jointly shared by such property owners if such facilities are a part of the Planned Unit Development, as determined by the Commission, and, in such instance, legal assurance shall be provided which shows that the private organization is self-perpetuating and adequately funded to accomplish its purposes.
6. Common facilities which are not dedicated to the public shall be maintained to standards assuring continuous and adequate maintenance at a reasonable and non-discriminatory rate of charge to the beneficiaries thereof. Common facilities not dedicated to the public shall be operated and maintained at no expense to any governmental unit.
7. All private streets shall be maintained by the aforesaid private organization in such a manner that adequate access is provided at all times to vehicular traffic, so that fire, police, health, sanitation and public utility vehicles can serve the properties contiguous or adjacent thereto, and so that said vehicles will have adequate turning area. Said private streets shall be developed in accordance with the standards set forth in Chapter 81, Subdivision Control Code.

H. LIMITATION ON REZONING

The Commission shall not initiate any amendments to the Area Zoning Code concerning the property involved in the Planned Unit Development before completion of the development as long as development is in conformity with the Approved Detailed Planned Unit Development Plan and proceeding in accordance with the time requirements imposed herein.

SECTION 80.05.08: HD HISTORIC DISTRICT OVERLAY DISTRICT

This is an overlay district designed to identify and delineate those parts of Franklin County or a participating town which have been designated as historic districts by the respective Historic Board. The Historic District Overlay Zone regulations apply in addition to the underlying zoning district regulations to impose different development rules for properties within the designated overlay area. In the case of a conflict between the Historic District Overlay Zone regulations of this section and other regulations in this Code, the Historic District Overlay Zone regulations of this section shall control. Where no special Historic District Overlay Zone regulation is stated, the regulations of the underlying zoning shall control.

A. USES PERMITTED

Uses permitted in the districts underlying the "HD" Historic District are permitted, subject to the requirements and procedures of this Code for those uses in their particular district or districts.

B. CERTIFICATE OF APPROPRIATENESS REQUIRED

Before an Improvement Location Permit may be issued in the "HD" Historic District, it shall be accompanied by a Certificate of Appropriateness in accordance with the requirements promulgated by the applicable Historic Preservation Board.

NOTE: See Chapter 84: Historic Preservation Code for requirements in Historical Preservation Area(s).

SECTION 80.05.09: WD WHITEWATER RIVER SCENIC DISTRICT OVERLAY DISTRICT

The WD Whitewater River Scenic District is an overlay district established in order to maintain the natural and scenic qualities of the West Fork and Main Stem of the Whitewater River, and to preserve those qualities for future generations. The Whitewater River Scenic District Overlay Zone regulations apply in addition to the underlying zoning district regulations to impose different development rules for properties within the designated overlay area. In the case of a conflict between the Whitewater River Scenic District Overlay Zoning District regulations of this section and other regulations in this Code, the Whitewater River Scenic District Overlay Zone regulations of this section shall control. Where no special Whitewater River Scenic District Overlay Zone regulation is stated, the regulations of the underlying zoning shall control.

A. LOCATION AND BOUNDARIES

The location and boundaries of the WD Whitewater Scenic District are designated as follows: The entire length of the West Fork and Main Stem of Whitewater River, in

Franklin County, from the Fayette County line to the Dearborn County line, and the strip of land along each side of the river is at normal level to a line paralleling and 100 feet from the water's edge at normal water level, or within line of sight from the water's edge at normal level, between May 1 and October 15, a period of relatively full foliage, whichever is less.

B. CERTAIN TERMS

For the purpose of the WD District, the following terms shall mean:

1. Deposit - to fill, place, or dump.
2. Improvement - to use or modify a structure, or to deposit, locate or remove material.
3. Locate - to construct, place, insert, or excavate.
4. Material - any soil, sand, gravel, clay, peat, mud, debris, refuse, or other organic or inorganic substance.
5. Modify - to alter, repair, enlarge, or extend a structure.
6. Remove - to dig, dredge, bulldoze, dragline, or blast, or to cut natural vegetation.

C. DEVELOPMENT WITHIN THE WD WHITEWATER RIVER SCENIC DISTRICT

1. All improvements within the Whitewater River Scenic District will require an Improvement Location Permit, and a Certificate of Occupancy prior to use of any improvement.
2. Any application for an Improvement Location Permit or a Certificate of Occupancy shall be presented at a regular meeting of the Whitewater River Advisory Board.
3. Before an Improvement Location Permit or Certificate of Occupancy may be issued in the WD Whitewater River Scenic District, it shall be accompanied by a written recommendation from the Whitewater River Advisory Board.
4. Whitewater River Advisory Board
 - a. Purpose. The Whitewater River Advisory Board is established to monitor use and development in the Whitewater River Scenic District. The Board shall function as a sub-body of the Area Plan Commission, advising on behalf of the Commission concerning appropriate uses in the District. The Board shall further serve as a liaison between local landowners, county government, and the Indiana Department of Natural Resources.
 - b. Membership and Procedures.
 - (1) The Board shall be composed of five (5) members, the majority of whom shall own land contiguous to the West Fork or Main Stem of Whitewater River.
 - (2) The Whitewater River Advisory Board shall have a membership appointed for the following terms: three (3) members appointed for a period of one (1) year, and two (2) members appointed for a

period of two (2) years. Board members may be re-appointed for more than one (1) term.

(3) The Whitewater River Advisory Board shall elect a chairperson and a secretary.

(4) All issues shall be decided on by a simple majority.

(5) Regular meetings shall be held on a bi-monthly basis.

c. Should the Whitewater River Advisory Board be unable to maintain its membership, review authority for Improvement Location Permits and Certificates of Occupancy within the WD Whitewater River Scenic District shall fall to the Franklin County Area Plan Commission.

D. PROPOSED IMPROVEMENT NOT TO BE VISIBLE FROM WATER'S EDGE

Improvement Location Permits should be issued if a proposed improvement will not be visible within the Whitewater River Scenic District from the water's edge at normal level, between May 1 and October 15, or when the natural and scenic features of the District will not be detrimentally affected. Accordingly, any proposed improvement or change determined to be visible within the Whitewater River Scenic District from the water's edge at normal level, between May 1 and October 15, or which will detrimentally affect the natural and scenic features of the District, shall not receive an Improvement Location Permit.

E. PERSONAL CAMPING USAGE PERMITTED

Nothing in this Section shall preclude the use of a private landowner's property for temporary, non-commercial, personal camping usage within the Whitewater River Scenic District, as long as the private camping facility is totally removed at the end of the May 1 through October 31 season.

F. BUSINESS OR COMMERCIAL ENTERPRISE LIMITATION

Business or commercial enterprises are not permitted to be located within 150 feet of the water's edge at normal level, regardless of line of sight.

G. HARVESTING TIMBER

Complete removal of natural vegetation or clear-cutting of timber is not permitted within the Whitewater River Scenic District. However, timber may be selectively harvested according to good forestry practice.

H. LANDOWNERS RIGHTS

All landowners who own property within the Whitewater River Scenic District retain complete property rights, other than the restrictions as set forth in this Code, and retain full rights to enforce trespass laws.

06. PROVISIONS RELATED TO SPECIFIC USES

TABLE OF CONTENTS

Section 80.06.01: Commercial Canoe Rental	104
Section 80.06.02: Confined Feeding Operation.....	105
Section 80.06.03: Conversions	106
Section 80.06.04: Group Home for the Mentally or Physically Disabled.....	106
Section 80.06.05: Hazardous Waste or Contaminant Facility	106
Section 80.06.06: Home Occupations	107
Section 80.06.07: Junk Yard	108
Section 80.06.08: Manufactured Homes	108
Section 80.06.09: Mini-Warehouses or Self Service Storage Facility.....	109
Section 80.06.10: Mobile Homes	110
Section 80.06.11: Open-Air Business.....	113
Section 80.06.12: Shopping Center	114
Section 80.06.13: Recreational Vehicle Park or Campground	115
Section 80.06.14: Storage.....	117
Section 80.06.15: Wireless Communication Facilities (Cell Towers)	118
Section 80.06.16: Supplemental Development Standards.....	123
80.06.T-1: Supplemental Development Standards.....	123

The following uses, due to their unique character and impact on surrounding uses, are subject to the following restrictions in addition to the regulations provided elsewhere in this Code. These provisions shall apply in all zoning districts whether the use is permitted, accessory, temporary, or a special exception. Various special exceptions and permitted uses may also be subject to fencing and screening regulations. See Section 80.10.02[G] for further provisions.

SECTION 80.06.01: COMMERCIAL CANOE RENTAL

- A. The following minimum lot areas shall apply to commercial canoe rental facilities:
 1. Canoe Livery (Main Location): 30 acres of land with a minimum of 1,000 feet of river frontage between points where property lines intersect the river.
 2. Put in-points or takeout points (other than main location): 5 acres of land with a minimum of 600 feet of river frontage between the points where property lines intersect the river.
 3. Storage area for canoes which do not front on the Whitewater River and are not adjacent to the Whitewater River Corridor: 10 acres.
- B. Minimum setbacks for primary or accessory structures as well as outdoor canoe storage: 100 feet from any property line.
- C. Loading or unloading canoe points must be 100 feet from any public roadway.
- D. If camping areas are included with the operation, all rules and regulations of this Code, the County Health Department, and the State Board of Health pertaining to the

operation of a campground must be met before an Improvement Location Permit is issued.

SECTION 80.06.02: CONFINED FEEDING OPERATION

- A. The following setback regulations shall apply to any new confined feeding operation:
1. All confined feeding structures and lots designed to house or contain livestock shall be set back five hundred (500) feet from any existing individual residence, except that of the confined feeding operation.
 2. All confined feeding structures and lots designed to house or contain livestock shall be setback one thousand (1,000) feet from any existing church, school, business, recreational area (public or private), or any public building.
 3. All confined feeding structures and lots designed to house or contain livestock shall be set back one thousand three hundred (1,300) feet from any residential subdivision or area containing four (4) or more homes.
 4. All confined feeding structures and lots should be set back one thousand (1000) feet from any public water supply well or public water supply surface intake structure.
 5. All confined feeding structures and lots designed to house or contain livestock shall be setback three hundred (300) feet (for liquid manure storage structures) or one hundred (100) feet (for solid manure storage structures) from any stream, drainage ditch, or other body of water.
 6. All confined feeding structures and lots designed to house or contain livestock shall be setback one hundred (100) feet from on site water wells, property lines and public roads. Where the road setback requirements of the district in which the confined feeding operation is located are greater than one hundred (100) feet, the more restrictive regulation shall apply.
- B. The following setback restrictions shall apply to non-agricultural uses locating adjacent to an existing confined feeding operation:
1. No family residence except that of the confined feeding operator may be constructed within five hundred (500) feet of a confined feeding operation.
 2. No church, school, business, recreational area (public or private) or public building may be constructed or operated within one thousand (1,000) feet of a confined feeding operation.
 3. No major subdivision will be granted approval within one thousand three hundred (1,300) feet of a confined feeding operation.

Exception to these regulations may be obtained only through a variance issued by the Board of Zoning Appeals. However, if a variance is granted, the party obtaining the variance shall be required to sign a deed or covenant protecting the farming enterprise being encroached upon. The covenant must be attached to the deed and recorded. Such covenant shall state a commitment to the effect of: "In accepting this deed, grantees do hereby acknowledge that the successors in interest, are precluded from complaining and/or attempting to enjoin the farm operation because of nuisance which might result from said operation."

- C. Recommended guidelines published from time to time by the Purdue Cooperative Extension concerning methods of waste handling and disposal shall be implemented in any confined feeding operation.
- D. All farms which meet the definition of a confined feeding operation shall acquire and maintain Indiana Department of Environmental Management (IDEM) approval.

SECTION 80.06.03: CONVERSIONS

A. CERTAIN CONVERSIONS DISCOURAGED

It is the purpose of this Code to discourage the conversion of existing dwellings, originally designed for occupancy by two families or less to occupancy by more than two families when such conversions is likely to lead to overcrowding, to lack of privacy, to lack of sufficient light and air, to unsafe or unsanitary living conditions or to inadequate provisions for off-street parking and open space.

- B. Dwellings initially erected as single or two family dwellings may be converted to provide occupancy for two or more units, subject to the following conditions:
 - 1. Such conversions shall be consistent with the purposes of other applicable provision portions of this Code, including housing and building codes and fire safety and utility programs.
 - 2. Conversions to two or multi-family dwellings may only take place in a district which permits such a use.
 - 3. Each dwelling unit shall have a total floor space of at least 300 square feet, plus an additional 150 square feet for each bedroom over one (1).
 - 4. No addition shall be made to a dwelling which increases either the lot coverage of the building or the height of the building.
 - 5. In connection with such conversion there shall be no evidence of change in the building to indicate the extra dwelling units, except as may be required by the aforementioned codes and programs; all fire escapes or stairways leading to a second or higher floor shall be completely enclosed within the converted building.
 - 6. No dwelling shall be so converted unless in connection therewith it be placed in a reasonable state of repair.
 - 7. Parking for converted dwellings shall be provided as required in Table 80.08.T-1 for two and multi family units. Such parking may only be located behind the converted dwelling and shall be screened from any public street according to the provisions in Section 80.10.03[B].

SECTION 80.06.04: GROUP HOME FOR THE MENTALLY OR PHYSICALLY DISABLED

Group home facilities are permitted in any district where dwellings are permitted, provided that the licensing and regulation of such facilities shall be accomplished through the appropriate State Board.

SECTION 80.06.05: HAZARDOUS WASTE OR CONTAMINANT FACILITY

The only persons that may apply for a Hazardous Waste or Contaminant Facility Use are those persons who had an existing business or industry dealing in hazardous waste or

contaminants in Franklin County, as of the 26th day of February, 1985. Any hazardous waste or containment facilities shall conform to the following setback regulations:

- A. Minimum Front, Rear and Side Setback. 1,000 feet from any property line.
- B. Minimum Setback from Waterway. 1,000 feet from any waterway, including but not limited to creeks, rivers, streams, ponds, and lakes.

SECTION 80.06.06: HOME OCCUPATIONS

A. PERMITTED HOME OCCUPATIONS

- 1. A home occupation may be permitted as an accessory use to accompany residential uses when said home occupation meets the requirements of this Section.
- 2. Those occupations which shall be considered permitted home occupations shall be those which do not adversely affect the residential character of the district or interfere with the reasonable enjoyment of adjoining properties, and which meet the following standards.

B. STANDARDS

- 1. Home occupations shall be subject to all the regulations of the applicable district in which they are located.
- 2. The primary use of the structure or dwelling unit shall remain residential and the operator of the home occupation shall remain a resident in the dwelling unit.
- 3. The operator conducting the home occupation shall be the sole entrepreneur, and shall not employ any person other than a member of the immediate family residing on the premises.
- 4. No structural additions, enlargements, or exterior alterations changing the residential appearances to a business appearance shall be permitted.
- 5. No additional and separate entrance incongruent with the residential structural design shall be constructed for the purpose of conducting the home occupation.
- 6. No provision for more than one extra off-street parking or loading space, other than the requirements and permitted facilities of the district, shall be permitted. No part of a minimum required setback distance shall be used for off-street parking or loading facilities and no additional drive-way to serve such home occupations shall be permitted.
- 7. No more than twenty-five percent (25%) of the floor area of any one story of the dwelling unit shall be devoted to such home occupation.
- 8. Such home occupations shall be conducted entirely within the primary building or dwelling unit used as a residence. No home occupation shall be conducted in any accessory building.
- 9. No display of goods or external evidence of the home occupation shall be permitted, except for one non-animated, non-flashing announcement plate, indicating not more than the name of the occupation and name and address of the resident. Said plate shall be attached flat against the wall of the residence and shall not exceed two (2) square feet in total surface area.

10. Such home occupation shall not involve retailing from the residence which, for the purpose of this section, shall mean a display of inventory visible from the street or sidewalk and/or the sale of commodities which requires customers visiting the premises.
11. There shall be no use of equipment that creates noise, vibration, gas, fumes, odors, or electrical or electronic interference, including interference with local radio communications and television reception, or fluctuations in line voltage off the premises.
12. For purposes of this Code, such uses that, by the nature of their investment or operation, have a pronounced tendency once started to rapidly increase beyond the limits permitted for home occupations and thereby impair the use and value of a residentially zoned area for residential purposes, shall not be permitted. Therefore, the uses specified below shall not be permitted as home occupations.
 - a. Medical, Dental, Law, Insurance and Real Estate Offices
 - b. Barber Shops And Beauty Parlors
 - c. Tourist Homes and Boarding Houses
 - d. Animal Hospitals And Kennels
 - e. Automobile and trailer repair and rentals

Those uses listed above or any other such use not meeting the standards of this section, shall not be permitted uses in residential neighborhoods unless they are granted a variance by the Board of Zoning Appeals.

13. The provisions of this section shall not be deemed to supersede any deed restriction, covenant, agreement, master deed, by-laws or other documents which prohibit a home occupation within a dwelling unit.

SECTION 80.06.07: JUNK YARD

- A. Minimum Lot Area: 5 acres.
- B. Minimum Setback Requirements: Front -50 feet, or the setback required by the district in which it is located, whichever is greater; side - 40 feet; rear -40 feet.
- C. No junk yard shall be closer than 200 feet to a residential use or district.
- D. No junk yard shall have more than one entrance from a street.
- E. The entirety of the junk yard shall be surrounded by a solid wall or solid fence, not less than eight (8) feet high, and no more than fifteen (15) feet high, unpierced except for gates necessary for access to the junk yard. Such fence shall be located not closer than twenty (20) feet from the front lot line, nor closer than five (5) feet from the side and rear lot lines; and the land between the fence and any lot line not required for entrance/exit driveways shall be used for no other purpose than landscaping.
- F. No material shall be piled higher than the surrounding fence and no closer to the said fence than ten (10) feet.

SECTION 80.06.08: MANUFACTURED HOMES

Manufactured homes shall be permitted wherever single family homes are permitted, provided that they meet the following standards.

- A. The home shall meet the definition of a manufactured home as set forth in Section 80.02.03.
- B. The home shall meet all requirements of this Ordinance for single family homes in the same zoning district, including the minimum floor area required.
- C. The home shall comply with the County Building Code pertaining to the exterior covering material, and all exterior covering material shall extend over the top of the foundation.
- D. The roof of the home shall have a 3/12 pitch or greater.
- E. The home shall be attached and anchored to a permanent foundation in accordance with the regulations of the State One and Two Family Dwelling Code and the manufacturer's specifications.
- F. The home shall be oriented such that its longest side is the side that faces the street frontage, except in the case of a corner lot where the long side shall face the road on which the home has the most frontage.

SECTION 80.06.09: MINI-WAREHOUSES OR SELF SERVICE STORAGE FACILITY.

- A. Minimum lot area: One (1) acre (43,560 square feet).
- B. Minimum setbacks: Side yard - 20 feet; Rear - 25 feet; Front yard setbacks shall be determined by the district in which the mini-warehouse or self service storage facility is located.
- C. Maximum height of buildings: 30 feet.
- D. Internal driveways: A driveway aisle for a mini warehouse or self-storage facility shall be a minimum width of 24 feet. A driveway aisle where access to storage units is only on one side of the aisle may be 20 feet in width.
- E. No off-street parking spaces are required for these facilities. However, off street parking as indicated in Table 80.08.T-1 shall be provided for any accessory use (i.e., offices) of the mini-warehouse or self-service storage facility.
- F. Minimum landscaping: In addition to any landscaping required by Section 80.10, a minimum yard area of 25 feet (front), 8 feet (side) and 10 feet (rear) shall be planted with a minimum of 50% trees and shrubs. The remainder of the landscape area may be planted with grass or other live ground cover.
- G. Either a six (6) foot high solid fence or an equivalent landscape screen or mound shall be required along boundaries of the site adjacent to residential zoning or use.
- H. The following uses shall be prohibited within any mini-warehouse or self storage facility:
 - 1. Auctions, commercial, wholesale or retail sales, or miscellaneous or garage sales, flea markets, etc.
 - 2. The servicing, repair, or fabrication of motor vehicles, boats, trailers, lawnmowers, appliances, or other similar equipment.
 - 3. The operation of power tools, spray painting equipment, table saws, lathes, compressors, welding equipment, kilns, or other similar equipment.
 - 4. The establishment of a transfer and storage business; and

5. Any use that is noxious or offensive because of odors, dust, noise, fumes, or vibrations.

SECTION 80.06.10: MOBILE HOMES

- A. Dwellings meeting the definition of a mobile home under Section 80.02.03 shall only be permitted within a mobile home park.
- B. Development Regulations for Mobile Home Parks
 1. A Development Plan shall be submitted with an application for a mobile home park.
 2. The following bulk regulations shall apply to all mobile home park developments.
 - a. A mobile home park shall have a minimum site area of not less than five (5) acres and contain a minimum of twenty (20) mobile home spaces.
 - b. The tract of land for the proposed park shall have two side yards, each having a minimum of 30 feet in width, a rear yard having a minimum of 30 feet in depth, and a front yard having a minimum of 60 feet in depth, or the depth of front yard required by the zoning district in which it is located, whichever is greater.
 - c. Each mobile home lot shall contain a minimum of 4,000 square feet in area, and shall be at least 40 feet in width.
 - d. Mobile homes shall be separated from each other and from all other buildings and structures by at least 20 feet. An accessory structure such as an awning, cabana, storage cabinets, carport, windbreak, and porch having a floor area exceeding 25 square feet and an opaque roof or top, shall be considered to be part of the mobile home.
 - e. There shall be a minimum distance of 15 feet between the mobile home slab and an abutting interior park drive.
 3. Mobile Home Slab

Each mobile home lot shall contain a mobile home slab. The area of the slab shall be improved to provide adequate support for the placement and tie- down of the mobile home so that it is secure against uplift, sliding, rotation, and overturning. The slab shall be constructed so that it will not heave, shift, or settle unevenly under the weight of the mobile home due to frost action, inadequate drainage, vibration, or other forces. The slab shall be provided with anchors and tie-downs to secure the stability of the mobile home. Anchors and tie- downs shall be placed at least at each corner of the slab and each shall be able to sustain a tensile strength of 2,800 pounds.
 4. Mobile Home Development Standards
 - a. A mobile home shall be skirted with a building material that is similar in appearance to the construction of the rest of the mobile home, or a mobile home shall be skirted in a material that gives the appearance of a permanent foundation.
 - b. Except where required by the FP overlay district, a mobile home chassis may not rest more than three (3) feet above the ground elevation at the low end, measured at a ninety (90) degree angle to the frame.

- c. The space immediately beneath a mobile home shall not be used for storage.
- 5. Parking.

Parking shall be provided in accordance with Table 80.10.T-1. No parking shall be allowed on the park entrance driveway for a distance of 100 feet from its point of beginning.
- 6. Street Standards.

A mobile home park shall be provided with safe and convenient vehicular access from abutting streets or roads to each mobile home lot. Such access shall be provided by interior private streets or driveways or other means approved by the Board. No direct access from a front or side street to a mobile home lot shall be permitted except by approved entrances and exits. Streets within a mobile home park must meet the Town's standards for street design and construction, as set forth in the Franklin County Area Subdivision Control Code.
- 7. Pedestrian Circulation

All streets within a mobile home park shall have a four (4) foot wide concrete walk on a minimum of one side of the street. Further, a common walk system shall be provided and maintained between all mobile homes and locations where pedestrian traffic is concentrated, such as service buildings and recreation areas. A walkway that is designed separately from internal streets shall have a minimum width of two feet.
- 8. Accessory Uses

Service buildings, recreation buildings, and other community service facilities, such as management offices, storage areas, laundry facilities, indoor recreation areas, and commercial uses supplying essential goods or services for the exclusive use of the mobile home park occupants, are permitted in the mobile home park, provided that:

 - a. They are subordinate to the residential character of the park; and
 - b. The establishments and the parking areas related to their use shall not occupy more than 10 percent (10%) of the total area of the park.
 - c. Parking requirements and bulk regulations for such accessory uses shall follow the standards for the zoning district in which they are located.
- 9. Recreational Areas.

Each park shall provide a recreational area or areas equal in size to at least 8 percent (8%) of the area of the park. Streets, parking areas, and park service facility areas shall not be included in the required recreational area. Recreation areas may provide any combination of active or passive recreation. Preserved natural areas may count for up to fifty percent (50%) of the required recreation area without providing recreational amenities.
- 10. Landscaping and Screening.

A dense planting screen not less than 12 feet high and 6 feet wide shall be located and effectively maintained at all times along the boundary lines except at

established entrances and exits serving the park. A decorative fence or brick or stone wall may be permitted as an integrated part of the planting screen, provided it is supplemented with landscaping. The Plan Commission, as part of the development plan review, may waive any part of these screening requirements temporarily or permanently if adequate screening already exists or if the topography or other conditions so warrant.

11. Performance Standards.

- a. The proposed site shall not exceed the general performance standards for smoke, noise, odor or other adverse influences, as set forth in Section 80.07.06.
- b. Illumination. Parks shall be furnished with lighting units so spaced and equipped with luminaries at such mounting heights that all pedestrian paths and sidewalks will have an average level of illumination of 0.3 foot candle and that potentially hazardous locations such as major driveway intersections, and entrances to service buildings will have an average level of illumination of 0.6 foot candle. All exterior park lights shall be so located and shielded as to prevent direct illumination of any areas outside the park.
- c. Refuse Handling. Containers shall be provided in sufficient number and capacity to properly store all refuse, and all refuse shall be stored in fly-tight, watertight, rodent proof containers, which shall be located not more than 150 feet from any mobile home lot. Refuse containers shall be screened in accordance with Section 80.10.02[G]. Where suitable collection service is not available from municipal or private agencies, the mobile home park operator shall provide this service.
- d. Insect and Rodent Control. Grounds, buildings and structures shall be maintained free of insect and rodent harborage and infestation. Extermination methods and other measures to control insects and rodents shall conform with the requirements of the Health Officer.

12. Site Requirements.

The condition of the soil and ground water level of the proposed park site shall meet the criteria promulgated by the United States Department of Agriculture Soil Conservation Service. (See Sec. 80.11.) The site shall not be subject to unpredictable or sudden flooding, subsidence, or erosion. Exposed ground surfaces shall be paved, covered with stone screenings, or other solid material, or protected with a vegetative growth that is capable of preventing soil erosion and of eliminating objectionable dust. Exposed ground surfaces shall be graded and equipped to drain all surface water in a safe, efficient manner.

13. Utilities.

- a. Electrical Distribution System. Electric wiring and power distribution lines in a mobile home park shall be installed in compliance with the County's electrical code.
- b. Fuel Supply and Storage.

- (1) Natural Gas System. Natural gas piping systems shall be installed and maintained in accordance with applicable codes and regulations governing such systems.
 - (2) Liquefied Petroleum Gas Systems. Liquefied petroleum gas systems shall be installed and maintained in accordance with applicable codes and regulations governing such systems. No liquefied petroleum gas vessel shall be stored or located inside or beneath any storage cabinet, carport, mobile home, or any other structure.
 - (3) Fuel Oil Systems. All fuel oil supply systems shall be installed and maintained in accordance with applicable codes and regulations governing such systems. All fuel oil storage tanks or cylinders shall be securely fastened in place and shall be located inside or beneath any mobile home or less than 5 feet from any mobile home exit. Storage tanks shall not be located in areas subject to traffic.
- c. Water and Sewage. The water supply and sewage disposal shall meet the minimum requirements of the Indiana Department of Environmental Management.
14. Fire Protection.
- a. Portable fire extinguishers of a capacity of not less than 2 ½ pounds, rated for Classes B and C fires shall be kept in service buildings and at other locations conveniently and readily accessible for use by all occupants and shall be maintained in good operating condition.
 - b. Fire hydrants shall be installed if the park water supply system is capable to serve them in accordance with the following requirements:
 - (1) The water supply system shall permit the operation of a minimum of 2-1/2 inch hose streams.
 - (2) Each of two nozzles, held 4 feet above the ground, shall deliver at least 75 gallons of water per minute at a flowing pressure of at least 30 pounds per square inch at the highest elevation point of the park.
 - (3) Fire hydrants, if provided, shall be located within 500 feet of any mobile home, service building, or other structure in the park.

SECTION 80.06.11: OPEN-AIR BUSINESS

Any establishment where the principal use is the drive-in type of business, or is generally characterized by open-air business operations, shall be subject to the following standards:

- A. Such business uses shall be limited to the characteristics customarily associated with such use and no other.
- B. All open air businesses shall be screened in the manner prescribed in Table 80.10.T-2.
- C. All drive-through establishments shall be subject to site plan review and approval by the Executive Director prior to the issuance of any building permits. At a minimum this review shall include off-site and on-site circulation related to the use, including turning movement and compatibility with pedestrian circulation.

SECTION 80.06.12: SHOPPING CENTER

- A. The conduct of permitted uses herein shall be within completely enclosed buildings, except for accessory off-street parking and loading facilities and drive-through convenience service windows.
- B. All goods produced on the premises as incidental or essential to the principal use shall be sold on the premises where produced.
- C. Outside storage, vending machines and display of merchandise for sale to the public is not permitted.
- D. Permitted Uses: Only uses which are permitted as primary uses within the zoning district in which the shopping center is located, either by right or as a special exception, may be permitted as part of a shopping center development. Those uses which are only permitted by special exception must obtain approval from the Board of Zoning Appeals prior to filing for approval of a development plan for a shopping center.
- E. An application for a shopping center shall be accompanied by a development plan that meets the requirements of Section 80.12.05.
 - 1. Each development plan for a shopping center shall be accompanied by a market analysis which:
 - a. determines the number, site and type of stores which could be expected to operate with a reasonable margin of profit in the proposed center,
 - b. provides evidence of the advisability of locating the proposed center where the applicant proposes to locate it, so as to serve an existing and potential customer demand, and
 - c. includes a statement of financial responsibility which demonstrates the ability of the developer of the center to proceed with and complete construction and development.
 - 2. Each development plan for a shopping center shall be accompanied by a traffic study which:
 - a. includes a comparative analysis of present capacity of street(s) adjacent to the proposed center with potential capacity volumes, taking into consideration the effect the proposed center will have upon engendering additional traffic.
 - b. includes a circulation plan for all streets (existing and proposed) which shows recommendations for controlling, signaling, channeling, storing, and warning traffic.
 - 3. Any other authority approval required when applicable, such as State Board of Health, State Highway Department, etc., shall accompany the development plan and application.
- F. The bulk regulations for a shopping center shall be as follows. Any regulation not specifically addressed below shall be the same as that for any permitted use within the zoning district in which the shopping center is located.
 - 1. Minimum tract size: 4 acres
 - 2. Depth to width ratio: the average length of the tract shall not be greater than 2 ½ times the average width.

3. Setbacks:
 - a. Regardless of its adjoining use, each shopping center shall include at least ten (10) feet in width along all streets with the exception of approved entrances which border the proposed shopping center, to be planted and maintained with trees and shrubbery to serve as a screen for the parking area. This 10 foot landscape area shall be in addition to any buffering required by Section 80.10.02.
 - b. No buildings or paved areas (other than access drives) may be located closer than fifty (50) feet to any area used or zoned for residential purposes in order to create a greenbelt, and such greenbelt shall be maintained as lawn together with appropriate landscaping specified above and in Section 80.10.02.
- G. Parking shall be provided in accordance with Table 80.08.T-1.
- H. Architectural Control. Architectural plans of the building and structures proposed to be constructed shall be subject to the approval of the Commission. The Commission's approval shall be based on the architectural plans creating a unified design which will be in character and proper relationship to the surrounding areas.

SECTION 80.06.13: RECREATIONAL VEHICLE PARK OR CAMPGROUND

- A. A Development Plan shall be submitted with an application for an recreational vehicle park or campground, in accordance with the procedures set forth in Section 80.12.05.
- B. The following bulk regulations shall apply to all recreational vehicle parks and campgrounds:
 1. A recreational vehicle park or campground shall have an area of not less than 5 acres.
 2. Each recreational vehicle space or campsite shall contain a minimum of 1,800 square feet in area and shall be at least 30 feet in width.
 3. No structure within a recreational vehicle park or campground shall exceed 30 feet in height.
 4. Recreational vehicles, camping trailers, tents, and the like shall be separated from each other and from all other buildings and structures by at least 10 feet. An accessory structure, such as an awning, cabana, storage cabinet and porch, shall be considered to be a portion of the recreational vehicle.
 5. All campsites, structures, and recreational areas shall be set back from the property lines of the park or campground by 30 feet on the two sides, 10 feet at the rear of the tract, and 60 feet wherever the park or campground has frontage on a road. Where the zone district setbacks are greater than the setbacks required by this section, the zone district setbacks shall control.
- C. Parking shall be provided in accordance with Section Table 80.08.T-1.
- D. Access.

Recreational vehicle parks and campgrounds shall have direct access to an arterial or major thoroughfare with sufficient frontage thereon for the proper construction of entrances and exits. Such entrances and exits shall be designed for the safe movement of recreational vehicles and trailers into and out of the park. Only one principal entrance from a major thoroughfare may be provided.

E. Accessory Uses.

Management offices and storage, playground and picnic equipment, sanitation and laundry facilities, information signs and other structures customarily incidental to a recreational vehicle park or campground shall be permitted as accessory uses.

F. Term Of Stay In Park And Limitation Of Use.

Except as otherwise provided herein, each recreational vehicle, camping trailer or tent shall not be used for habitation in the same recreational vehicle park or campground for longer than 180 days in any one calendar year, and shall not be used as a permanent residence.

G. Landscaping and Screening.

A dense planting screen not less than 6 feet high after five full growing seasons and which at maturity is not less than 12 feet high and 6 feet wide shall be located and effectively maintained at all times along all boundary lines except at established entrances and exits serving the park. A decorative fence or brick or stone wall may be permitted as an integrated part of the planting screen, provided it is supplemented with landscaping. The Commission, as part of the development plan review, may waive any part of these screening requirements temporarily or permanently if adequate screening already exists or if the topography or other conditions so warrant.

H. Site Requirements

Soil and Water. The condition of the soil and ground water level of the proposed park site shall meet the criteria promulgated by the United States Department of Agriculture Soil and Water Conservation Service (See Section 80.11).

I. Performance Standards.

1. The proposed site shall not exceed the general performance standards for smoke, noise, odors or other adverse influences, as set forth in Section 80.07.06.
2. Illumination. Parks shall be furnished with lighting units so spaced and equipped with luminaries at such mounting heights that all parts of the interior driveway system will have an average level of illumination of 0.3 foot candle and that potentially hazardous locations, such as major driveway intersections, recreational areas, and entrances to accessory uses, will have an average level of illumination of 0.6 foot candle. All exterior park lights shall be so located and shielded as to prevent direct illumination of any areas outside the park.
3. Refuse Handling. Containers shall be provided in sufficient number and capacity to properly store all refuse, and all refuse shall be stored in fly tight, watertight, rodent proof containers, which shall be located not more than 150 feet from any recreational vehicle lot or campsite. Refuse containers shall be screened in accordance with Section 80.10.02[G][1]. Where suitable collection

service is not available from municipal or private agencies, the recreational vehicle park or campsite operator shall provide this service.

4. Insect and Rodent Control. Grounds, buildings and structures shall be maintained free of insect and rodent harborage and infestation. Extermination methods and other measures to control insects and rodents shall conform with the requirements of the Health Officer.
- J. Utilities.
1. Electrical Distribution System. Electric wiring and power distribution lines in a recreational vehicle park or campground shall be installed in compliance with the County's Electrical Code.
 2. Water and Sewage. The water supply and sewage disposal shall meet the minimum requirements of the Indiana Department of Environmental Management.
- K. Fire Safety.
- Cooking shelters, barbecue pits, fireplaces, wood-burning stoves and incinerators shall be so located, constructed, maintained and used as to minimize fire hazards and smoke nuisance, both on the property on which used and on neighboring property. No open fire shall be permitted except in facilities provided. No open fire shall be left unattended. No fuel shall be used and no material burned which emits dense smoke or objectionable odors.
- L. All State Board of Health requirements shall be observed.

SECTION 80.06.14: STORAGE

A. ACCESSORY STORAGE

1. Storage of materials which is incidental to a primary use in a non-residential district shall be permitted, provided that such storage is located within an enclosed structure, or the provisions of subsection [C] are met.
2. No portion of any required yard shall be used for the permanent storage of motor vehicles, trailers, airplanes, boats, shipping container (cargo) (freight), or parts thereof, rubbish, garbage, junk, tent or building materials, except during construction and in accordance with the terms of this Code.
3. Permanent storage, for the purpose of this subsection, shall be construed as the presence of such storage for a period of 48 or more consecutive hours in any one week period.

B. COMMERCIAL BULK STORAGE

1. In any district in which bulk storage is permitted, structures, buildings or above ground tanks used for bulk storage of flammable or explosive liquids, gases or other materials, shall not be located closer than 300 feet to the property line.
2. The entire premises where the bulk storage is located shall be enclosed within a fence, or equivalent, of not less than six (6) feet high, in addition to the requirements of Section 80.10.02.

3. Additional information regarding evidence of safety measures may be required in order to determine the public safety therein.

C. OPEN STORAGE

In the event that accessory storage is in the open, the following provisions must be met:

1. Such storage shall be accessory to the use of the main building on the lot.
2. Such storage shall be located behind the front or exterior wall of the main building facing any street and shall comply with all yard regulations of this code and with intersection visibility standards as set forth in Section 80.07.02.
3. Such storage shall not cover more than five percent (5%) of the lot area or an area in excess of twice the ground floor area of the main building on the lot, whichever is less.
4. Such storage shall be screened according to the provisions of Section 80.10.02[F][2].

SECTION 80.06.15: WIRELESS COMMUNICATION FACILITIES (CELL TOWERS)

A. GENERAL PROVISIONS

1. Purpose

The purpose of this section is to regulate the placement, construction and modification of wireless communication service facilities in order to protect the public health, safety and general welfare of the community, while accommodating the need for telecommunications towers.

2. Authority

The Executive Director, Area Plan Commission and Area Board of Zoning Appeals are hereby vested with the authority to review, approve, approve with conditions, and disapprove applications for wireless communication facilities.

3. Jurisdiction

- a. These regulations apply to all wireless communication facilities, as defined in the definition section of this Code, located in Franklin County.
- b. No wireless communications facility may be constructed without a site plan or development plan signed and approved by the Executive Director, the Plan Commission or by the Board of Zoning Appeals, when applicable.

4. Declaration of Public Purpose

Regulation of the siting of wireless communication facilities is an exercise of valid police power stipulated in the Federal Telecommunications Act of 1996 and delegated by the State of Indiana. The developer has the duty of compliance with reasonable conditions laid down by the Area Plan Commission and this Code.

B. APPLICATION AND APPROVAL PROCEDURE

1. General Procedure

The Executive Director shall administratively approve co-locations, the Plan Commission shall approve new wireless communication facilities and the Board of Zoning Appeals shall approve special exceptions.

2. Application Requirements

The applicant for a wireless communications facility shall submit a development plan and include the following information:

- a. Engineer's reports. A report from a qualified and licensed professional engineer which:
 - (1) Certifies that the proposed installation will not exceed the structural capacity of the building or other structure, considering wind and other loads associated with the antenna location.
 - (2) Describes the tower's capacity, including the number and type of antennas that it can accommodate;
 - (3) Describes the tower height and design, including a cross section and elevation;
 - (4) Documents the height above grade for all potential mounting positions for co-located antennas and the minimum separation distances between antennas;
 - (5) Documents what steps the applicant will take to avoid interference with established public safety telecommunications;
 - (6) Includes an engineer's stamp and registration number; and
 - (7) Includes other information requested by the Plan Commission in order to evaluate the request.
- b. Co-location statement. Any applicant proposing communications antennas to be mounted on a building or other structure shall submit evidence of agreements and/or easements necessary to provide access to the building or structure on which the antennas are to be mounted so that installation and maintenance of the antennas and communications equipment building can be accomplished.
- c. Supplemental Information. Before the issuance of an improvement location permit, the following supplemental information shall be submitted:
 - (1) A copy of the FAA's response to the submitted "Notice of Proposed Construction or Alteration" (FAA Form 7460-1);
 - (2) Proof of compliance with applicable Federal Communications Commission regulations; and
 - (3) A report from a qualified and licensed professional engineer which demonstrates the tower's compliance with the County's structural and electrical standards.

3. Development Plan Requirements

In addition to the Development Plan requirements found in Section 80.12.05 of this Code, development plans for wireless communications facilities shall include the following supplemental information listed below. Facilities co-locating on existing towers shall be exempt from development plan requirements:

- a. Location and approximate size and height of all buildings and structures within 500 feet adjacent to the proposed wireless communication facility.

- b. Site plan of entire development, indicating all improvements, including landscaping and screening.
- c. Elevations showing all facades and indicating exterior materials and color of the tower(s) on the proposed site.
- d. Plans shall be drawn at a scale of no smaller than 1 inch equals 50 feet.

4. General Approval Standards

Generally, approval of a wireless communication facility can be achieved if the following items are met:

- a. The location of proposed tower is compatible with Franklin County's Comprehensive Plan.
- b. All efforts to co-locate on an existing tower have not been successful or legally or physically possible.
- c. The submitted development plan complies with the performance criteria set in these regulations.
- d. The proposed facility/tower will not unreasonably interfere with the view from any public park, natural scenic vista, historic building or district, or major view corridor.
- e. The lowest six (6) feet of the facility/tower shall be visually screened by trees, large shrubs, solid walls, or fences and/or nearby buildings.
- f. The height and mass of the facility/tower does not exceed that which is essential for its intended use and public safety.
- g. The owner of the wireless communication facility has agreed to permit other persons/cellular providers to attach cellular antenna or other communications apparatus which do not interfere with the primary purpose of the facility.
- h. There exists no other existing facility/tower that can reasonably serve the needs of the owner of the proposed new facility/tower.
- i. The proposed facility/tower is not constructed in such a manner as to result in needless height, mass, and guy-wire supports.
- j. The color of the proposed facility/tower will be of a light tone or color (except where required otherwise by the FAA) as to minimize the visual impact and that the tower will have a security fence around the tower base or the lot where the tower is located.
- k. The facility/tower is in compliance with any other applicable local, state, or federal regulations.

C. GENERAL PERFORMANCE STANDARDS

1. Co-Location

Any applicant proposing construction of a new communications tower shall demonstrate that a good faith effort has been made to obtain permission to mount the communications antennas on an existing building, structure or communications tower. A good faith effort shall require that all owners of potentially suitable structures within a one-quarter (1/4) mile radius of the

proposed communications tower site be contacted and that one (1) or more of the following reasons for not selecting such structure apply:

- a. The proposed antennas and related equipment would exceed the structural capacity of the existing structure and its reinforcement cannot be accomplished at a reasonable cost.
- b. The proposed antennas and related equipment would cause radio frequency interference with other existing equipment for that existing Structure and the interference cannot be prevented at a reasonable cost.
- c. Such existing structures do not have adequate location, space, access or height to accommodate the proposed equipment or to allow it to perform its intended function.
- d. Addition of the proposed antennas and related equipment would result in electromagnetic radiation from such structure exceeding applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
- e. A commercially reasonable agreement could not be reached with the owners of such structures.

2. Height and Setbacks

- a. In all Zoning Districts the maximum height of any communications tower shall be one hundred fifty (150) feet; provided, however, that such height may be increased to not more than two hundred (200) feet, provided the required setbacks from adjoining property lines are increased by one (1) foot for each one (1) foot of height in excess of one hundred fifty (150) feet.
- b. The foundation and base of any communications tower shall be set back from any residential district at least one hundred (100) feet or a distance at least equivalent to its height, whichever is greater; and shall be set back from any other property line at least fifty (50) feet or a distance at least equivalent to its height, whichever is greater.
- c. A communications equipment building shall be subject to the height and setback requirements of the applicable zoning district for an accessory structure.

3. Location

- a. It is encouraged that antennas be placed upon existing structures, including building rooftops, water tanks or existing towers instead of building new towers.
- b. A communications tower may be located on a lot occupied by other principal structures and may occupy a leased parcel within a lot meeting the minimum lot size requirements for the zoning district. In those cases the required setback between the tower and the principal building shall be at least the equivalent of the height of the tower.
- c. Recording of a plat of subdivision or land development shall not be required for a lease parcel on which a communications tower is proposed to be constructed, provided the communications equipment building is unmanned.

- d. Building mounted communications antennas shall not be located on any single family dwelling or two family dwelling, except for non-commercial wireless facility.
 - e. Commercial wireless communications facilities are a permitted use in the following districts, subject to the regulations set forth in this Section:
 - (1) I-1 Enclosed Industrial District
 - (2) I-2 Open Industrial District
 - f. Commercial wireless communications facilities are allowed only as a special exception in the following districts, subject to the regulations set forth in this Section:
 - (1) LB Local Business District
 - (2) PB Planned Business District
 - (3) GB General Business District
 - (4) A-1 Prime Agriculture District
 - (5) A-2 Secondary Agriculture District
 - (6) RE Recreation and Residential District
 - g. Commercial wireless communications facilities are not permitted in the following districts:
 - (1) R-1, R-2, and R-3 Residential Districts
 - (2) The Historic Overlay District (HD)
 - (3) The Floodplain District (FP)
 - (4) The Whitewater River Scenic Overlay District (WD)
4. Access to the Facility
- Access shall be provided to the communications tower and communications equipment building by means of a public street or easement to a public street. The easement shall be a minimum of twenty (20) feet in width and shall be improved to a width of at least 10 feet with a dust-free, all weather surface for its entire length.
5. Landscaping
- The base of a communications tower shall be landscaped so as to screen the foundation and base and communications equipment building from abutting properties.
6. Security Measures
- a. All guy wires associated with guyed communications towers shall be clearly marked so as to be visible at all times and shall be located within a fenced enclosure.
 - b. The site of a communications tower shall be secured by a fence with a maximum height of eight (8) feet to limit accessibility by the general public.
7. Tower Lighting and Signs
- No signs or lights shall be mounted on a communications tower, except as may be required by the Federal Communications Commission, Federal Aviation Administration or other governmental agency which has jurisdiction.

8. Abandoned or Unused Towers or Portion of Towers

Abandoned or unused towers or portions of towers shall be removed as follows:

- a. All abandoned or unused towers and associated facilities shall be removed within 180 days of the cessation of operations at the site unless a time extension is approved by the Executive Director. A copy of the relevant portions of a signed lease which requires the applicant to remove the tower and associated facilities upon cessation of operations at the site shall be submitted at the time of application. In the event that a tower is not removed within 180 days of the cessation of operations at a site, the tower and associated facilities may be removed by the County, and the costs of removal assessed against the property.
- b. Unused portions of towers above a manufactured connection shall be removed within 180 days of the time of antenna relocation. The replacement of portions of a tower previously removed requires the issuance of a new wireless facility permit.

SECTION 80.06.16: SUPPLEMENTAL DEVELOPMENT STANDARDS

The uses in the following table are subject to the subsequent development standards in addition to the regulations in the district in which they are located. For minimum lot size and minimum setbacks, the more restrictive regulations shall prevail. Where the maximum height on the table below exceeds the height permitted in the district in which the use is located, the district may be constructed to the maximum height allowed by the table below. However, where the maximum height on the table below is lower than the height permitted by the zoning district, the lower height requirement of the table shall prevail.

80.06.T-1: SUPPLEMENTAL DEVELOPMENT STANDARDS

USE	MINIMUM LOT SIZE	MINIMUM SETBACKS	MAXIMUM HEIGHT
Anhydrous Ammonia or Similar Liquefied Fertilizers, Storage and Distribution (Commercial)		300 (all property lines); 300 feet from residential to parking/loading	
Auction Arena or Sales Yard (excluding Livestock)	2 acres	Front: 50 Side: 40 Rear: 40	
Building Material Supply Yard		300 (all property lines); 300 from residential	
Cemetery or Crematory	10 acres	Front: standard Side: 40 Rear: 40	
Golf Course or Country Club		Front: standard Side: 40 Rear: 40 Parking: 20 feet from residential	

80.06.T-1: SUPPLEMENTAL DEVELOPMENT STANDARDS

USE	MINIMUM LOT SIZE	MINIMUM SETBACKS	MAXIMUM HEIGHT
Hospital	3 acres	Front: 100 Side: 30 Rear: 40 (abutting residential) Parking: 25 feet from residential	65 feet
Kennel	2 acres	Front: 150 Side: 150 Rear: 150	
Mining Operation		Front: 150 Side: 150 Rear: 150 300 feet from residential	
Outdoor Recreational Enterprise (landscape plan required)		Front: 50 Side: 40 Rear: 40	
Penal or Correctional Institutions	50 acres	100 (all property lines); 300 feet from residential use	65 feet
Public or Commercial Sanitary Fill or Garbage Disposal Plant	20 acres	300 Front and Side	
Public Water Wells, Water Stations, Filtration Plants, Reservoirs, and Storage Tanks		100 feet from residential	
Shooting Range		300 (all property lines)	
Slaughter House	5 acres	300 (all property lines)	35 feet
Wholesale Produce Terminal or Truck Terminal	5 acres	Front: 100 Side: 75 (abutting residential, else 35) Rear: 40 100 feet from residential	45 feet

07. GENERAL PROVISIONS & REGULATIONS

TABLE OF CONTENTS

Section 80.07.01: Placement Of Structures	125
Section 80.07.02: Intersection Visibility	125
Section 80.07.03: Exceptions to District Regulations	126
Section 80.07.04: Provisions for Required Yards	127
Section 80.07.05: Permitted Obstructions in Required Yards.....	127
Section 80.07.06: General Performance Standards	129
Section 80.07.07: Supplementary Business Standards.....	130

SECTION 80.07.01: PLACEMENT OF STRUCTURES

A. LOT ACCESS AND FRONTAGE

Every building hereafter erected or moved shall be located on a lot with the minimum required frontage and access along a public street or approved private street, and all buildings shall be so located on lots as to provide for safe and convenient access, fire protection, and required off street parking. No other access to the property shall be permitted that will in any way circumvent the intent of this section.

B. PRIMARY BUILDING PER LOT

Every building hereafter erected shall be located on a lot. In no case shall there be more than one principal building, and its accessory buildings, located on one lot, except in cases where primary structures are designed and platted as a single unit under single ownership and control, such as multi-family developments, shopping centers, and combined industrial developments.

C. PLACING STRUCTURES OVER UTILITY EASEMENTS

No building or structure shall be placed or erected over utility easements, except for lot line fences which shall be subject to the paramount right of the utility or municipality to install, repair, maintain, or replace its installation.

SECTION 80.07.02: INTERSECTION VISIBILITY

- A. In all districts, except the CB district, a triangular space at the street corner of a corner lot shall be maintained free from any kind of obstruction to vision between the heights of three (3) and twelve (12) feet above the established street grade. The street grade is measured at the intersection of the center lines of the intersecting street pavement, and the triangular space is determined by a diagonal line connecting two points measuring twenty-five (25) feet along each of the street property lines equidistant from the intersection of the property lines or the property lines extended, at the corner of the lot.
- B. In the case of a rounded property corner, said triangular area shall be measured from the intersection of the street right-of-way lines extended.
- C. In addition, the above vision sight lines shall apply to any lot within ten (10) feet from the intersection of a street right-of-way line with the edge of a driveway pavement or

alley line. No driveway shall be located within forty (40) feet of the intersection of two street lines.

- D. The above provisions shall not apply to official warning signs or signals necessary to the public safety.

SECTION 80.07.03: EXCEPTIONS TO DISTRICT REGULATIONS

A. FRONT SETBACK LINES

Building setback lines shall be required along all public and private streets as provided in Tables 80.05.T-1 through 80.05.T-6. However, in areas where fifty percent (50%) or more of the lots in the block frontage are occupied by buildings, the following setbacks may be substituted for those found in the aforementioned sections.

1. For residential uses where fifty percent (50%) or more of the lots in the block frontage are occupied by buildings, the average setback of such buildings determines the dimension of the front yard in the block frontage.
2. In business and industrial districts where fifty percent (50%) or more of the lots in a block frontage are occupied by buildings, the setback of such buildings shall determine the location of the building line, except for the PB district where setbacks shall be determined by Table 80.05.T-5.
3. Building lines or building setback lines established on the plat of a recorded subdivision shall establish the dimension of front yards in such subdivisions.
4. Any yard abutting a street shall be deemed a front yard for the purpose of determining front building setback lines.
5. Any yard or setback line so placed and oriented that none of the specific terms in this Code are applicable shall necessitate a determination by the Executive Director of suitable dimensions generally required for a similar situation in the same zoning district.

B. SIDE SETBACK LINES

Where sixty percent (60%) or more of the lots are occupied by buildings which provide side yards of less than the minimum required by this Code, the average side yard of such buildings may determine the required side yard; provided, however, no side yard in any district other than the CB district shall be reduced to less than five (5) feet. Where an existing building is deficient in side yards, any addition to such an existing building shall maintain the existing side yards.

C. HEIGHT EXCEPTIONS

1. In the districts limiting height to 25 feet, a dwelling may be increased in height not to exceed 35 feet, provided the required side yards are increased an additional foot for each foot such structure exceeds 25 feet in height.
2. Business and industrial buildings and structures may be erected higher than the normal maximum if they are set back from front the building setback line and rear building line, one foot for each two feet of additional height above the normal maximum height, provided that the Executive Director approves the increased height, primarily upon the availability of adequate fire protection.

3. Chimneys, cooling towers, elevator bulkheads, fire towers, penthouses, stacks, tanks, water towers, wireless communications towers, transmission towers, or essential mechanical appurtenances, may be erected to any height not prohibited by other laws of the provisions of this Code.
4. Building mounted communications antennas shall be permitted to exceed the height limitations of the applicable Zoning District by no more than twenty (20) feet.

SECTION 80.07.04: PROVISIONS FOR REQUIRED YARDS

A. GENERAL

Requirements for yard depths (setbacks) in each district are set forth in Tables 80.05.T-1 through Table 80.05.T-6.

B. THROUGH LOTS AND CORNER LOTS

On any lot abutting more than one street, front yards shall be provided on each street.

C. ALLEY ABUTTING REAR OR SIDE YARD

One half of an alley abutting the rear or side of a lot may be included in the rear yard or side yard, respectively, but such alley space shall not be included for loading and unloading berths.

- D. Minimum required yards or building setback distances shall be unobstructed and open to the sky, except for customary projections and temporary storage as hereinafter provided, and signs in accordance with Section 80.09 of this Code.

SECTION 80.07.05: PERMITTED OBSTRUCTIONS IN REQUIRED YARDS

A. YARD ENCROACHMENTS

No structure or part thereof shall project into a required front yard except:

1. An eave, cornice overhang, awning, balcony or bay window not exceeding four (4) feet; provided, however, that in no event shall said encroachment protrude closer than twenty (20) feet to a front lot line. However, in the CB district, such encroachments may be permitted within up to five (5) feet of the front lot line, provided they do not interfere with intersection visibility as set forth in Section 80.07.02 or with County or Town Ordinance requirements for sidewalk clearance.
2. The ordinary projection of belt courses, sills, lintels, chimneys, and other similar ornamental and architectural features not exceeding two (2) feet.
3. Unenclosed, uncovered steps, entrance platforms, terraces or landings not over eighteen (18) inches above grade level and not to project a distance in excess of ten (10) feet.
4. Accessory uses such as public utility installations, walks, driveways, curbs, retaining walls, mail boxes, name plates, lamp posts, bird baths and structures of a like nature; provided that driveways shall not be permitted within five (5) feet of a property line unless the driveway is shared by the adjacent property.

5. Hedges, non-solid fences or walls maintained so as not to exceed three (3) feet in height.
6. Trees, shrubs, flowers, or plants.

B. PROJECTIONS.

No structure or part thereof shall project into a required side or rear yard except:

1. An eave, cornice, overhang, awning, balcony or bay window not exceeding four (4) feet; provided, however, that said encroachment shall not protrude closer than eighty (80) percent of the required distance to any side or rear lot line.
2. The ordinary projection of belt courses, sills, lintels, chimneys and other similar ornamental and architectural features not exceeding two feet; provided, however, that said encroachments shall not protrude closer than eighty (80) percent of the required distance to any side or rear lot line.
3. Unenclosed, uncovered steps, entrance platforms, terraces, or landings not over eighteen (18) inches above grade level.
4. Family swimming pools - see Section 80.04.03[B][10].
5. Accessory uses such as public utility installations, walks, driveways, curbs, retaining walls, mail boxes, name plates, lamp posts, bird baths and structures of a like nature.
6. Hedges, non-solid fences or walls maintained so as not to exceed three (3) feet in height.
7. Trees, shrubs, flowers, or plants.

C. FENCES

1. Fences used for agricultural purposes, recreation use or the public safety shall not be regulated by this Code.
2. Fences used for residential purpose, shall be allowed without the issuance of any permit, subject to the following provisions:
 - a. Fences shall be allowed in side and rear yards up to a height of six (6) feet.
 - b. No setback shall be required for fences in side and rear yards.
 - c. Fences shall be allowed to extend into a front yard, provided that from the building setback line to the road right-of-way line they shall be of an open or wire mesh type and shall not exceed three feet in height.
 - d. Front yard fences within the building setback line shall not exceed six (6) feet in height.
 - e. Fences shall not be permitted to block passage along existing sidewalks.
 - f. Fencing intended for decorative purposes only, and which does not include any area to be completely enclosed may be allowed on any part of a parcel, provided it does not exceed three (3) feet in height.
3. Fences in business (LB, CB PB, GB) or industrial (I-1 and I-2) districts, where used for commercial or industrial uses, shall be allowed subject to the following provisions:

- a. Fences intended for security purposes shall not exceed a maximum height of eight (8) feet, plus a maximum of three (3) strands of barbed wire, and shall be allowed within any side or rear yards; however, they shall not be allowed in any required green belt or buffer area unless they are a required component of such buffer area as set forth in Section 80.10.02.
- b. Fencing intended for decorative purposes only may be allowed on any parcel, provided it does not exceed three and one-half (3 1/2) feet in height.
- 4. Every outdoor swimming pool, which is more than 18 inches in depth, shall be surrounded by a solid fence of not less than five (5) feet in height. All gates or doors opening through such enclosure shall be designed to be self latching and shall be kept locked when the pool is not in actual use, or left unattended.

D. STORAGE

No portion of any required yard shall be used for the permanent storage of motor vehicles, recreational vehicles, mobile homes, trailers, airplanes, boats, or parts thereof, rubbish, garbage, junk, tent or building materials, except during construction and in accordance with the terms of this Code (See Section 80.06.13).

SECTION 80.07.06: GENERAL PERFORMANCE STANDARDS

All uses established or placed into operation after the effective date of the Code comprising this Chapter shall comply with the following performance standards, except as otherwise set forth in Sections 80.05.06[A] and 80.05.06[B] for Enclosed and Open Industrial Districts, in the interest of protecting the public health, safety and welfare, and to lesson injury to property. No use shall exhibit obnoxious characteristics to the extent that it constitutes a public nuisance as further prescribed hereinafter. No use in existence on the effective date of the said Code shall be so altered or modified to conflict with these standards.

A. FIRE PROTECTION

Fire-fighting equipment and prevention measures acceptable to the applicable Fire Department shall be readily available and apparent when any activity involving the handling or storage of flammable or explosive materials is conducted.

B. ELECTRICAL DISTURBANCE

No use shall cause electrical disturbance adversely affecting radios, televisions or other equipment in the vicinity.

C. NOISE

No use shall produce noise in such a manner as to be objectionable because of volume, frequency, intermittence, beat, shrillness or vibration. Said noise shall be muffled or otherwise controlled so as not to become detrimental; provided, however, public safety sirens and related apparatus used solely for public purposes shall be exempt from this standard.

D. VIBRATION

No use shall cause vibrations or concussions detectable beyond the lot lines without the aid of instruments.

E. ODOR

No use shall emit across the lot lines malodorous gas or matter in such quantity as to readily be detectable at any point along the lot lines.

F. AIR POLLUTION

No use shall discharge across the lot lines fly ash, dust, smoke, vapors, noxious, toxic or corrosive matter, or other air pollutants in such concentration as to be detrimental to health, animals, vegetation or property, or conflict with public air quality standards established by State and/or Federal agencies.

G. HEAT AND GLARE

No use shall produce heat or glare in such a manner as to be a nuisance or create a hazard perceptible from any point beyond the lot lines of the property on which the use is conducted.

H. WATER POLLUTION

No use shall produce erosion or other pollutants in such quantity as to be detrimental to adjacent properties or conflict with public water quality standards established by State and/or Federal agencies.

I. WASTE MATTER

No use shall amass within the lot or discharge beyond the lot lines any waste matter, whether liquid or solid, in conflict with applicable public health, safety and welfare standards and regulations.

SECTION 80.07.07: SUPPLEMENTARY BUSINESS STANDARDS

In any district permitting business uses, the following standards shall supplement the business use requirements of the district:

A. GENERAL STANDARDS.

1. No unusually loud amplification of radio music or other audio-advertising shall be permitted on the premises. "Unusually Loud" shall be defined as sound which is audible at the lot line.
2. No lights utilizing an attracting device or lights on stringers of unshielded incandescent lamps or attention attracting lighting from apparatus of a type used by emergency vehicles shall be permitted on the premises.
3. There shall be no exterior displays which restrict visibility in any way or which impede the movement of any vehicles. All such displays shall be maintained in an orderly manner.
4. Adequate indoor or outdoor trash containers shall be required, provided, however, that trash containers in non-residential areas shall be screened according to the provisions of Section 80.10.02[G][1] and located away from the view of the frontal street.

B. TRAFFIC CONGESTION

1. The number of traffic access points for establishments with 100 feet or less of frontage on a street shall not exceed one.
2. Whenever practicable, for establishments with frontage of more than 100 feet, a service road shall be provided, of not less, than two (2) lanes in width or a combined service road and parking area, parallel with and adjacent to, the street upon which the establishments front. In the event the establishments front on more than one street, such service roads may be required on more than one street frontage.
3. The service road or roads required by this Section shall be effectively separated from the main roadway by a landscape strip or other suitable delineation, and shall be designed and arranged so as to provide the principal means of access to abutting business establishments.
4. In general, the use of public improved alleys, interior access roads or any other designed means to minimize the number of traffic access points and business intersections therein are encouraged.
5. Where parking lots of more than one business or industrial use abut, access should be provided between parking lots, either by frontage road or by a connecting drive, platted as an easement.

08. OFF STREET PARKING AND LOADING

TABLE OF CONTENTS

Section 80.08.01: Intent.....	132
Section 80.08.02: Scope.....	132
Section 80.08.03: General Provisions.....	133
Section 80.08.04: Determining the Number of Spaces Required.....	133
Section 80.08.05: Drive Through Stacking.....	139
Section 80.08.06: Parking Spaces Accessible to the Disabled.....	140
Section 80.08.07: Off-site Parking Facilities.....	141
Section 80.08.08: Development Standards	142
Section 80.08.09: Parking And Storage Of Certain Vehicles.....	144
Section 80.08.10: Loading Requirements.....	144
Section 80.08.11: Parking Lot Landscaping.....	145
80.08.T-1: Minimum Parking Requirements.....	134
80.08.T-2: Accessible Parking Spaces	140
80.08.T-3: Dimensions of Parking Spaces	142
80.08.10: Required Loading Spaces	144

SECTION 80.08.01: INTENT

The regulations of this Section are designed to alleviate or prevent congestion of the public streets by establishing minimum requirements for on-site storage of motor vehicles in accordance with the use to which the property is occupied.

SECTION 80.08.02: SCOPE

- A. Accessory off-street parking and loading facilities shall be provided and maintained for all buildings, structures or premises used in whole or in part for purposes permitted by this Code in accordance with the provisions of this Section.
- B. No use lawfully established prior to the effective date of this Code, shall be required to provide and maintain the parking and loading requirements herein; provided, however, that off-street parking and loading spaces required by any previous ordinances adopted pursuant to the Indiana Planning Statutes shall be continued and maintained, and provided further that:
 1. For any non conforming use which is hereafter damaged or partially destroyed, and which is lawfully reconstructed, re-established, or repaired, in accordance with this Code, off-street parking and loading facilities equivalent to those maintained at the time of such damage or partial destruction shall be restored and continued in operation; provided, however, in no case shall it be necessary to restore or maintain parking or loading facilities in excess of those required by this Code for equivalent new uses.
 2. When the intensity of use of any building, structure or premises shall be increased through the addition of dwelling units, floor area, beds, seating

capacity, or other unit of measurement, parking and loading facilities as required herein shall be provided for such increase in intensity of use.

3. Whenever the existing use of a building, structure or premises shall hereinafter be changed or converted to a new use permitted by this Code, parking and loading facilities shall be provided as required for such new use.
 4. Accessory off-street parking or loading facilities in existence to the effective date of this Code, shall not hereafter be reduced below, or if already less than, shall not be further reduced below the requirements for a similar new use under the provisions of this Code.
- C. Nothing in this Code shall be deemed to prevent the voluntary establishment of accessory off-street parking or loading facilities to serve any existing use of land or buildings, provided that all regulations herein governing the location, design and operation of such facilities are adhered to.

SECTION 80.08.03: GENERAL PROVISIONS

- A. Accessory off-street parking and loading spaces shall be provided on the same lot as the use served, except as otherwise provided in this Code, and may be situated as one or more individual areas.
- B. Accessory off-street parking facilities required herein shall be utilized solely for the parking of passenger automobiles or light trucks of less than one (1) ton capacity, belonging to patrons, occupants, or employees of specified uses. Said parking facilities shall not be used for the storage, display, sale, repair, dismantling or wrecking of any vehicle, equipment or material, unless such facilities are enclosed in a building and are a permitted principal use in the district in which they are located.
- C. No business signs or advertisements shall be permitted in parking areas; provided, however, directional and identification signs shall be permitted in accordance with Section 80.09.06[A].
- D. Accessory off-street parking areas shall be permitted within the required front yard, provided that no parking area is located within ten (10) feet of the right-of-way line, and provided that all applicable requirements for screening and greenbelts are met.
- E. Accessory off-street parking areas may count toward the open space requirements of this Code.

SECTION 80.08.04: DETERMINING THE NUMBER OF SPACES REQUIRED

- A. In determining the minimum required number of off-street parking or loading spaces, the following instructions shall be applicable in such computations:
 1. If the unit of measurement is any fraction of the unit specified in relation to the number of spaces to be provided, said fraction shall be considered as being the next unit and shall be counted as requiring one space.
 2. In sports arenas, churches and other places of assembly in which patrons occupy benches, pews or other similar seating facilities, each twenty-two (22) inches of such seating shall be counted as one (1) seat for the purpose of determining requirements hereunder.

- B. In order to accommodate the unique built environment of the downtown area covered by the CB District, required parking areas in this district shall be one half of those required in Table 80.08.T-1.
- C. Accessory off-street parking facilities for separate uses may be provided collectively, as authorized by the BZA, if the total number of spaces so provided is not less than the sum of the separate requirements for such use, and provided that all regulations governing location of accessory parking spaces in relation to the use served are adhered to. Further, no parking space or portion thereof shall serve as a required space for more than one use unless otherwise authorized by a variance through the Board of Zoning Appeals.
- D. Required off-street loading and unloading spaces shall not be construed as being part of the required off-street parking spaces.
- E. For purposes of determining off-street parking requirements under this subsection, gross floor area shall mean the total horizontal areas of one or several floors of the building or portion thereof devoted to such use, including accessory storage areas located within selling or working space such as counters, racks, or closets, and any basement floor area devoted to retailing activities, to the production or processing of goods or to offices; provided, however, gross floor area shall not include that area devoted entirely and permanently in storage purposes, parking and loading facilities, or space used for restrooms, utilities, or elevator shafts.
- F. Off street parking shall be provided according to the ratios set forth in Table 80.08.T-1: Minimum Parking Requirements.
- G. Every company car, truck, tractor or trailer normally stored at a business site shall be provided with an off-street parking space. Such space shall be in addition to the parking requirements listed in Table 80.08.T-1: Minimum Parking Requirements.
- H. For uses not specified in this subsection or in such instance when the requirement for an adequate number of spaces is unclear or not specified, the number of parking spaces shall be determined by the Executive Director on the basis of requirements for similar uses, the number of persons served or employed, and the capacity of adequately serving the visiting public. Such determination of the Executive Director may be appealed to the Board of Zoning Appeals.
- I. In the case of conflict between the provisions of this subsection, the higher requirement shall govern.

80.08.T-1: MINIMUM PARKING REQUIREMENTS

TYPE OF USE	MINIMUM PARKING REQUIREMENT
AGRICULTURAL USES	
Agricultural Farm	Dwelling units requirements only
Commercial Grain Elevator and related uses	1 space per employee at the largest shift.
Farm House or Farm Dwelling	Dwelling units requirements only
Farm implement machinery sales and service	1 per 2 employees, plus 1 per 1,000 square feet of display and sales area.
Farm seasonal worker housing	1 space per tenant on the largest shift.

80.08.T-1: MINIMUM PARKING REQUIREMENTS

TYPE OF USE	MINIMUM PARKING REQUIREMENT
Raising and Breeding of Non-Farm Fowl or Animals (commercial), except for kennel	1 space per employee on the largest shift.
Restricted Commercial Farm Enterprise, including confined feeding	1 space per employee on the largest shift.
Riding Stable	1 space per 2 employees; plus 1 space per 2 horses.
Sales Barn for Livestock	1 space per 2 employees; plus 1 per each 400 sq.ft. of display and sales area.
RESIDENTIAL USES	
Mobile home park	2 spaces per mobile home lot
Multi-family dwelling	1 bedroom unit - 1 space per unit 2 bedroom unit - 1.6 spaces per unit 3 bedroom unit - 1.8 spaces per unit 4 bedroom unit - 2 spaces per unit for each additional bedroom add 0.5 spaces
Single-family dwelling	2 spaces per unit
Two-family dwelling	2 spaces per unit
Group home	1 space per employee on the largest shift, plus 1 space per 5 residents (or if residents are unable to drive 2 spaces per 1,000 sq.ft. of gross living area.
Nursing home	1 per 4 beds, plus 1 per employee on the largest shift.
Senior housing or Congregate Care	0.8 spaces per unit.
INSTITUTIONAL USES	
Assembly Halls and Grounds	1 space per 4 persons at maximum capacity
Charitable Institutions	1 space per each two employees on the largest shift, plus an adequate number of spaces to serve the public
Church, place of worship	1 space per 4 seats in the main sanctuary
Fraternity, Sorority and Student co-ops	1 space per 4 persons at maximum capacity
Hospital	1 space per 4 patients at design capacity, plus 1 space per doctor, plus 1 space per 3 employees on the largest shift.
Municipal, County or other Government Building	3 spaces per 1,000 sq.ft. of gross floor area.
Penal or Correctional Institution	1 space per employee on the largest shift; plus 1 space per 20 inmates.
Postal Station, Telegraph office	1 space per employee on the largest shift; plus 2 spaces per 1,000 sq.ft. of floor area open to the public.
School	
K-8	1 space per classroom; plus 1 space per employee.
9-12	1 space per 4 students; plus 1 space per employee.
University, College or Trade school	1 space per 5 students; plus 1 space per employee.
Special School	1 space per 4 students; plus 1 space per employee.
Stadium, Coliseum, Athletic Field	1 parking space for each 3 seats in grandstand; plus 3 per 4 employees.
PUBLIC AND PRIVATE UTILITIES	

80.08.T-1: MINIMUM PARKING REQUIREMENTS

TYPE OF USE	MINIMUM PARKING REQUIREMENT
Radio, television, and wireless communications towers	When towers are manned, 1 space per employee on the largest shift. If tower is unmanned, 2 spaces for repair vehicles
Public water wells, water stations, filtration plant, reservoirs, and storage tanks	1 space per employee on the largest shift.
Sewage Treatment Facility (primary use)	1 space per employee on the largest shift.
Telephone exchange or public utility substation	1 space per employee on the largest shift.
Utility company business office	1 space per employee on the largest shift; plus 1 space per company vehicle parked on the premises; plus 1 space per 1,000 sq.ft. of floor area open to the public.
MOTOR VEHICLES USES	
Automobile facility repair	2 spaces per service bay; plus 1 space per employee on the largest shift
Automotive Rental & Sales	2 spaces per 1,000 sq. ft. of ground floor area
Car Wash	1 space per employee on the largest shift; 1 drying space and 4 stacking spaces per car wash space
Automotive paint shop/ Detailing	2 spaces per bay window; plus 1 per employee on the largest shift
Automotive supply sales, including repair	2 spaces per bay window; plus 3 spaces per 1,000 sq.ft. of gross floor area
Automotive repair	2 spaces per bay window; plus 1 per employee on the largest shift
Gasoline service station With convenience store With repair With car wash With fast food	1.5 spaces per fuel nozzle plus 3 spaces per 1,000 sq. ft. of enclosed floor area plus 1 space per service bay. plus 4 stacking spaces per wash bay plus 1 space per 2.5 seats
PROFESSIONAL SERVICES	
Bank, financial institution	5 spaces per 1,000 sq. ft. of ground floor area; plus 4 stacking spaces per drive-in lane (if applicable)
Research establishment/Laboratory, commercial	4 spaces per 1,000 sq. ft. of floor area up to 20,000 sq. ft.; plus 2 spaces per 1,000 sq. ft. of floor area greater than 20,000 sq. ft.
Studio for professional work or teaching	4 spaces per 1,000 sq.ft. of leasable area.
Professional office center	4 spaces per 1,000 sq.ft. of leasable floor area up to 20,000 sq.ft.; plus 2 spaces per 1,000 sq.ft. of leasable floor area greater than 20,000 sq.ft.
PERSONAL SERVICES	
Personal services, including but not limited to: Barber shop, Beauty shop, Salon, Day Spa etc.	1.5 space per chair or station; plus 1 space per 2 employees
Lodging House	1 space per guest room; plus 2 for the resident owner or manager.

80.08.T-1: MINIMUM PARKING REQUIREMENTS

TYPE OF USE	MINIMUM PARKING REQUIREMENT
Cemetery	No spaces required, provided that if the cemetery contains a chapel, the chapel shall provide parking equivalent to 1 space per 4 seats
Class I Child Care Homes	Dwelling unit requirements
Class II Child Care Homes	1 space per employee, plus dwelling unit requirements
Clinic or Laboratory, medical or dental	1 space per employee, plus 3 spaces per doctor
Crematory	1 per 2 employees, plus 1 per 4 seats in chapel, if applicable.
Day Care Center or Child Development Center	1 space per employee and 1 space per 5 children.
Hotel or motel	1 space per room or suite; plus 1 space per 3 employees on the largest shift; plus 1 space per 3 persons to the maximum capacity of each banquet or meeting room; plus 50% of the spaces required for on-site accessory uses.
Kennel, commercial	1 space per 2 employees, plus 1 space 3 seats in the waiting area, plus 1 space per 5 boarder animals, based on the maximum boarding capacity of the kennel
Laundry or dry cleaning	3 spaces plus 1 space per sq. ft. of GFA
Mortuary or Funeral Home	1 space per 4 seats; plus 1 space per 2 employees
Health and fitness center	5 spaces per 1000 square feet of gross floor area.
Self-service laundry and dry cleaning	1 space per 3 washing or dyeing machines
Tailor and pressing shop, dressmaking, alterations, shoe repair	5 spaces per 1,000 sq.ft of gross floor area; plus 1 space per employee on the largest shift.
Bed and Breakfast	1 space per guest room; plus 2 for the resident owner or manager.
Nursing Home	1 space per 4 beds; plus 1 space per employee on the largest shift.
Veterinary hospital or clinic for small animals	1 space per employee, plus 1 space per 3 doctors
FOOD SERVICES	
Delicatessen or Bakery	5 spaces per 1,000 square feet of gross floor area.
Catering services	5 spaces per 1000 square feet of gross floor area
Convenience Store	3 spaces per 1,000 sq.ft. of gross floor area
Restaurant	1 space per 3 seats; plus 1 space per 2 employees on largest shift
Restaurant, Carry out / take out	1 space per 2.5 seats; plus 1 space per 2 employees on largest shift.
Restaurant, Fast food	1 space per 2.5 seats plus 1 space per 2 employees on largest shift plus 7 stacking spaces per window.
Drive through	1 space per employee on largest shift, or 10 spaces, whichever is greater, plus 7 stacking spaces per window.
Drive In	1 space per employee on largest shift, or 10 spaces, whichever is greater.

80.08.T-1: MINIMUM PARKING REQUIREMENTS

TYPE OF USE	MINIMUM PARKING REQUIREMENT
Supermarket or Grocery Store	5 spaces per 1,000 sq. ft. of ground floor area.
RETAIL	
Specialty retail stores with less than 20,000 square feet of gross floor area (including but not limited to: Antique shop, Apparel shop, Flower or garden shop, Gift shop, Music Store, Jewelry store, Pet Store, Shoe store, Toy store, Variety store, Stationer)	3 spaces per 1,000 sq. ft. of ground floor area
Commercial Greenhouse (exceeding 1,000 sq. ft.)	1 space per employee on the largest shift; plus 1 space per 1,000 sq.ft. of sales floor area .
Commercial Shopping Center <400,000 sq.ft. gross floor area 400,001-600,000 sq.ft. gross floor area >600,001 sq.ft. gross leasable area	4 spaces per 1,000 sq.ft. of gross floor area 4.5 spaces per 1,000 sq.ft. of gross floor area 5 spaces per 1,000 sq.ft. of gross floor area
Large Scale Retail, Free Standing (not within a shopping center) 20,001-200,000 sq. ft. of GFA >200,001sq. ft. of GFA	3.3 spaces per 1,000 sq. ft. of GFA 3.6 spaces per 1,000 sq. ft. of GFA
Drug store	2.5 spaces per 1,000 sq.ft. of gross floor area
Electric appliance, including TV's and radio's shop and sales and services	1 space per 2 employees; plus 2 spaces per 1,000 sq.ft. of floor area open to the public.
Flea Markets	2 spaces per 1,000 sq.ft. of gross floor area.
Hardware or paint store	2 spaces per 1,000 sq.ft. of gross floor area.
Newsdealer	3 spaces per 1,000 sq.ft. per gross floor area.
Outdoor Commercial Enterprise	1 per 3 employees, plus 1 per 500 sq.ft. of use area.
Plant Nurseries, Truck Gardens	1 space per employee on the largest shift; plus 1 space per 1,000 sq.ft. of sales floor area (if applicable).
Produce Stands (seasonal or year round)	4 spaces per stand.
Show room and sales area for articles to be sold at retail	1 space per employee on the largest shift; plus 1 space per 1,000 sq.ft. of sales floor area.
RECREATION/ENTERTAINMENT	
Bait sales	2 spaces per 1,000 sq.ft. of gross floor area
Billiard room	2 spaces per table; plus 1 space per employee on largest shift.
Bowling alley	3 spaces per lane, plus 1 space per employee on largest shift.
Skating rink	4 spaces per 1,000 square feet of gross floor area.
Country Club	Space to accommodate 50% of the active members at 1 space per 3 members.
Golf Course	1 space per 2 employees, plus 3 spaces per hole
Golf Driving Range	1 space per 2 employees, plus 1 space per tee
Private Club or Lodge	1 space per 4 persons at maximum occupancy.
Campground	1 per campsite; plus 1 per cabin
Park, public or private	Spaces equivalent to 1percent of the total area (parking along park roads may be used to fill this requirement)
Race track	1 space per 3 seats in the grandstand

80.08.T-1: MINIMUM PARKING REQUIREMENTS

TYPE OF USE	MINIMUM PARKING REQUIREMENT
Recreational Vehicle Park	1 space for each recreational vehicle.
Seasonal hunting and fishing lodge	1 space per 3 guests
Shooting range	1 space per 2 employees, plus 1 space per target area
Sexually oriented business	5 spaces per 1,000 sq.ft. ground floor area.
Tavern or night club	1 space per 4 seats or 1 space per 4 persons at maximum capacity, whichever is greater
Theater, Indoor or Outdoor	1 space per 4 seats
Other Indoor Recreational Facility	5 spaces per 1,000 sq.ft. of gross floor area
Other Outdoor Recreation Facility	1 space per 3 employees, plus 1 space per 500 sq.ft. of use area
TRANSPORTATION SERVICES	
Airport or Heliport	1 space per employee on the largest shift; plus 1 space per 3 seats for waiting passengers
Motor bus or railroad passenger station	1 space per employee on the largest shift, plus 1 per 4 seats for waiting passengers
INDUSTRIAL	
Auction Arena or Sales Yard (excluding livestock)	1 space per 2 employees, plus 1 space for each 400 sq.ft. of display, sales, and auction area
Building Material Supply Yard (Lumber Yard)	1 per employee on the largest shift, plus 1 per vehicle operated by establishment, plus 1 space per 1000 sq.ft. of enclosed sales area open to the public
Junk Yard	1 space per 2 employees on the largest shift, plus 2 spaces per acre of storage space
Mining Operation (i.e. sand or gravel pit, borrow pit, topsoil removal and storage areas)	1 space per employee on the largest shift; plus 1 space per vehicle used in the operation
Mini-warehouses or self service storage facility	No spaces required. See Section 80.06.08[E].
Printing, lithographing, publishing, or photography establishments	1 space per 2 employees, plus 2 spaces per 1000 sq.ft. of floor area open to the public
Public or Commercial Sanitary Fill, Garbage Disposal Plant, or Recycling Facility	1 space per employee on the largest shift, plus 1 space per vehicle used in the operation
Slaughter house	1 space per employee on the largest shift
Warehouse	1 space per employee on the largest shift, plus 1 space per vehicle used in the operation of the warehouse
Wholesale establishment	1 space per employee on the largest shift; plus 3 spaces per 1,000 sq.ft of sales floor open to the public.
Wholesale Produce Terminal or Truck Freight Terminal	1 space per employee on the largest shift; plus 1 space per vehicle used in the operation of the industry.
All other wholesale, warehousing, and industrial uses not specified herein	1 space per employee on the largest shift; plus 1 space per vehicle used in the operation of the industry

SECTION 80.08.05: DRIVE THROUGH STACKING

Drive through establishments shall provide stacking space for queuing of vehicles awaiting use of drive-through windows. Each stacking space must be twelve (12) feet long and each

lane of stacking spaces must be at least nine (9) feet wide. Lane widths should be delineated with pavement markings. However, individual spaces within the lane need not be marked. Table 80.08.T-1 denotes the number of stacking spaces required for common drive-through uses. Any drive through use not listed shall be required to provide at least four (4) stacking spaces per drive-through window. Stacking spaces must be in addition to the required parking spaces and must not be located within a required driveway, internal circulation system, or parking aisle.

SECTION 80.08.06: PARKING SPACES ACCESSIBLE TO THE DISABLED

Franklin County encourages all development within the County which serves the public to provide facilities which are accessible to people with disabilities as defined by the Americans with Disabilities Act (ADA) of 1990. In accordance with this goal, accessible parking shall be provided by any building or use initiated after the effective date of this Code according to the following minimum requirements and any further requirements hereafter adopted by federal, state, or local law.

A. REQUIRED SPACES

Accessible parking spaces shall be provided at a rate listed in Table 80.08.T-2 below. In addition to these requirements, accessible patient parking at outpatient facilities must equal no less than ten percent (10%) of the required parking, and facilities which specialize in treatment or services for persons with mobility impairments must provide accessible parking equaling no less than twenty percent (20%) of the required parking for patient use.

B. DESIGN AND LAYOUT OF ACCESSIBLE PARKING LOTS

Access aisles and accessible routes for the mobility impaired shall be provided pursuant to ADA requirements. Accessible spaces must be a minimum of eight (8) feet wide with a five (5) foot access aisle. One of every eight (8) spaces, however, must have an access aisle of eight (8) feet wide and be designated "van accessible".

C. PASSENGER LOADING ZONES

Passenger loading zones shall provide an access aisle of a minimum of twenty (20) feet in length, adjacent and parallel to the vehicle pull up space. If there are curbs between the access aisle and the vehicle pull up space, then a curb ramp shall be provided.

D. SIGNAGE AND MARKING

All accessible spaces shall be designated by the international access symbol. Van accessible spaces will be labeled by both the international access symbol and an additional sign indicating that the space is accessible for vans. Signs shall be a minimum of five and one half (5 ½) feet above ground level so as not to be obscured by parked vehicles. The mobility impaired symbol shall also be painted on the ground to the rear of the parking space.

80.08.T-2: ACCESSIBLE PARKING SPACES

Total Number of Parking Spaces In Lot	Minimum Number of Accessible Spaces Required
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total
1,001 and over	20, plus 1 for each 100 over 1,000

SECTION 80.08.07: OFF-SITE PARKING FACILITIES

Required off-street parking facilities shall be provided hereinafter. The Board of Zoning Appeals is hereby authorized to grant an off-site parking facility as a special exception in accordance with the following conditions:

- A. A site plan for such off-site parking facility shall be filed with the Board of Zoning Appeals as a required exhibit accompanying the special exception application and shall be made part of the conditions of any approval therefore. Said development plan shall demonstrate compliance with all applicable standards of this Code, shall be amended and reapproved to indicate any change or other modification of uses served, or number of parking spaces provided therefore, and shall indicate:
 1. Adjacent streets, alleys and lots.
 2. All individual primary uses to be served, including the location use and number of parking spaces for each such use.
 3. A layout drawn to scale of aisles and driveways, entrances, exits and turn-off lanes, parking spaces, setbacks, drainage facilities, and landscaping and buffer screening.
 4. Type of lighting and pavement proposed, and identification signs including location, size and design thereof.
- B. Off-site parking facilities shall not be located on a lot with an area of less than 15,000 square feet.
- C. Off-site parking facilities shall be provided with setback distances equivalent to the requirements of the district, and ingress and egress points shall be limited to one per street in order to protect the function of adjoining streets.
- D. Off-site parking facilities shall be encumbered by any instrument duly executed and acknowledged, which subject said accessory off-street parking facilities to parking in connection with the principal use served. Said instrument shall specify and bind the time period to the anticipated life of the building or use to which the parking facilities

are accessory. Said instrument shall be filed in the applicable Improvement Location Permit files of the Executive Director's Office, and placed on public record in the office of the County Recorder.

- E. Off-site parking facilities shall be developed in accordance with the provisions of Section 80.08.08 below. Further, said facilities shall be developed under such conditions imposed by the Board of Zoning Appeals as to protect residential districts and maintain at a minimum the disturbance to nearby residential uses.
- F. Where an off-site parking facility abuts a residential district or use, the Board may require a masonry wall a minimum of four (4) feet in height and six (6) inches thick along such boundary.

SECTION 80.08.08: DEVELOPMENT STANDARDS

All off-street parking areas for four or more automobiles shall be developed in accordance with the standards of this Section, except in the case of one and two-family dwellings, agricultural and rural uses, and storage of vehicular merchandise not counting toward the minimum requirements as set forth in this Code.

A. DIMENSIONS

- 1. Each required off-street parking space shall be at least nine (9) feet in width and at least twenty (20) feet in length, exclusive of access drives or aisles, ramps, columns, or office or work areas. Such space shall have adequate vertical clearance. For parallel parking, the length of the parking space shall be increased to twenty-four (24) feet.
- 2. Except on lots occupied by one and two-family dwellings, each off-street parking space shall open directly upon an aisle or driveway at least twelve (12) feet wide or such additional width and design in accordance with the following table, so as to provide safe and efficient means of vehicular access to such parking space. Such aisle or driveway shall be unobstructed and allow for the passage of emergency vehicles at all times.

80.08.T-3: DIMENSIONS OF PARKING SPACES

Parking Angle (in degrees)*	Aisle Width (in feet)
45°	14'
60°	18'
90°	24'
Parallel	12'

*The angle shall be measured between center line of parking space and center line of aisle.

B. LAYOUT AND DESIGN

- 1. All off-street parking or loading facilities shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement.

2. No parking spaces required to meet the minimum standards of this Code shall be permitted on driveway approaches, landscape areas, adjacent alleys or streets, on any public right-of-way, or in such a manner as to restrict motorists' visibility.
3. Driveway entrances or exits shall be separated by at least twenty-five (25) feet and designed in such a manner as to least interfere with traffic movement. No driveway across public property at the right-of-way line of the street shall exceed a width of thirty (30) feet; provided, however, two driveways not exceeding thirty (30) feet in width each may constitute a single entrance-exit divider designed driveway.
4. In any district, each use which is located so that it fronts upon and provides access to an arterial thoroughfare shall provide a frontage land paralleling and adjoining the improved part of the right-of-way at least 11 feet in width for turn traffic entering the lot. Such frontage lane shall be at least 100 feet in length, exclusive of the entrance way and taper area; provided, however, if the lot frontage is too small to meet such requirement, the frontage lane shall extend the entire width of the lot.
5. Required off-street parking spaces shall be so designed, arranged and regulated so that:
 - a. Such parking areas are lined or designated to insure the most efficient use of the parking spaces.
 - b. Individual spaces are provided with bumper guards or wheel guards so located that no part of the parked vehicle will extend beyond the boundary of the established parking area
 - c. Individual spaces are located so that no part of the parked vehicle will extend into any minimum required yard or onto adjoining property.
 - d. Individual spaces are unobstructed and have access to an aisle or driveway so that any automobile may be moved without moving another, and so that no maneuvering directly incidental to entering or leaving a parking space shall be on any public right-of-way or walkway.
 - e. All paved portions of all parking spaces and maneuvering aisles are set back a minimum of five (5) feet from any wall of a building.
6. Off-street parking spaces may be open to the sky or enclosed in a building. In any instance when a building is constructed or used for parking facilities on the lot, said building shall be treated as any major structure and subject to all requirements thereof.
7. Parking areas may be provided with a one-story shelter building of guard building which shall not exceed 100 square feet of gross floor area and shall conform to all the structural requirements of the district in which it is located.
8. Any lighting facilities used to illuminate off street parking areas shall be so located, shielded and directed upon the parking area in such a manner that they do not reflect or cause glare onto adjacent properties or interfere with street traffic. In no instance shall bare unshaded bulbs be used for such illumination.

C. SURFACE AND DRAINAGE

1. All open off-street parking areas shall be surfaced with an all-weather paving material capable of carrying a wheel load of 4,000 pounds, or improved with

concrete or a compacted macadam base and surfaced with an asphaltic pavement, to adequately provide a durable and dust-free surface which shall be maintained in good condition and free of weeds, dirt, trash and debris, except that:

- a. A gravel surface may be used for a period of one year after the date of granting the Certificate of Occupancy where ground conditions are not immediately suitable for permanent surfacing as specified above.
 - b. A gravel surface in the area of storage or handling may be used permanently in association with industries that handle liquids or chemicals which create a potential hazard if containment should be lost and where absorption into the ground through a loose surface material would eliminate or alleviate such hazard.
2. Such parking areas shall be graded and properly drained in such a manner that there will be no free flow of water onto either adjacent property or public sidewalks. Further, any additional run-off generated by such improved areas shall be disposed of in appropriate drainage facilities.

SECTION 80.08.09: PARKING AND STORAGE OF CERTAIN VEHICLES

A. AUTOMOTIVE VEHICLES

Automotive vehicles or trailers of any type without current license plates or in an inoperable condition so as to be deemed dead storage shall be prohibited in all zoning districts unless completely enclosed within a building.

B. COMMERCIAL VEHICLES

The parking of a commercial self-propelled vehicle in residential zoning districts shall be prohibited, except that one commercial vehicle may be parked on any lot on which there is located a principal building, provided such vehicle is parked in an enclosed garage, accessory building, or rear yard and is used by a resident of the premises. This requirement shall not be interpreted to prohibit commercial vehicles from temporary loading and unloading in any residential district.

SECTION 80.08.10: LOADING REQUIREMENTS

- A. Uses and buildings with a gross floor area of 5,000 square feet or more shall provide off-street loading spaces in accordance with the table below, provided that loading spaces shall not be required for uses which do not receive or transmit goods or wares by truck delivery.

80.08.10: REQUIRED LOADING SPACES

Use Description	Floor Area in Square Feet	No. of Loading Spaces Required
Manufacturing, distribution, wholesaling, storage, and similar uses	5,000-25,000	1
	25,001-60,000	2
	60,001-100,000	3
	Each 50,000 above 100,000	1

80.08.10: REQUIRED LOADING SPACES

Use Description	Floor Area in Square Feet	No. of Loading Spaces Required
Office buildings, hotels and motels, retail sales, hospitals, institutions, and similar uses	5,000-60,000	1
	60,001-100,000	2
	Each 100,000 above 100,000	1

- B. All required off-street loading berths shall be located on the same lot as the use to be served, and no portion of the vehicle shall project into a street or alley. No permitted or required loading berth shall be located within twenty-five (25) feet of the nearest point of intersection of any two streets, nor shall it be located in a required front yard or side yard adjoining a residential use or district.
- C. Each required off-street loading space shall be of a size not less than that required for an off-street parking space, but scaled larger to delivery vehicles expected to be used, logically and conveniently located for bulk pickups and deliveries, and accessible to such vehicles when required off-street parking spaces are filled; provided that for industrial uses, the off street area required for the receipt or distribution by vehicles of materials or merchandise is held to be a twelve (12) foot by forty-five (45) foot loading space with a fourteen (14) foot height clearance. If more than one (1) berth is provided, the minimum dimensions are held to be ten (10) feet by forty-five (45) feet with a fourteen (14) foot height clearance.
- D. Off-street loading areas shall be developed in accordance with the standards in Subsection 80.08.08[C] above.

SECTION 80.08.11: PARKING LOT LANDSCAPING

For regulations concerning parking lot landscaping, refer to Section 80.10.03.

09. SIGNS

TABLE OF CONTENTS

Section 80.09.01: Purpose and Intent	146
Section 80.09.02: Determining the Area of a Sign	146
Section 80.09.03: General Provisions.....	147
Section 80.09.04: Design Standards.....	147
Section 80.09.05: Exempt Signs	147
Section 80.09.06: Incidental Signs	149
Section 80.09.07: Temporary Signs	151
Section 80.09.08: Prohibited Signs.	152
Section 80.09.09: Provisions for Signs in Agricultural and Residential Districts.....	153
Section 80.09.10: Provisions for Signs in Business and Industrial Districts.....	154
Section 80.09.11: Permitted Signs for Gasoline Service Stations	156
Section 80.09.12: Unified Center Signs.....	157
Section 80.09.13: Advertising Signs (Billboards:).....	157
Section 80.09.14: Permit Procedures.....	158
Section 80.09.15: Non Conforming Signs	159

SECTION 80.09.01: PURPOSE AND INTENT

It is the intent of this Section to set forth provisions governing the installation and construction of signs and advertising devices. In addition, it is the purpose and intent of this chapter to:

- A. Recognize the functions and importance of signs for the business sector and the County and participating towns as a whole;
- B. Preserve and enhance the character and visual appearance of Franklin County;
- C. Recognize the integral part played by signs in the overall appearance of Franklin County;
- D. Provide a reasonable set of controls that will permit and encourage creative and effective signs that adequately identify a business;
- E. Provide standards, guidance and direction for sign users and sign designers as to what constitutes appropriate signage in Franklin County.

SECTION 80.09.02: DETERMINING THE AREA OF A SIGN

- A. The surface area of a sign face is the entire area measured within a single continuous perimeter enclosing all elements of the sign, exclusive the sign structure, which includes the supports, uprights, bracing and framework of the sign.
- B. When two identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than forty-two (42) inches apart, the sign area shall be computed by the measurement of one of the faces. In the case of a sign where two or

more sides can be seen from any one point, each side shall be considered a separate sign.

- C. The height of a sign shall be the distance measured from the average surface grade surrounding the base of a sign or the average surface grade of the road bed nearest the base of the sign, whichever is higher, to the top of the highest element of the sign.

SECTION 80.09.03: GENERAL PROVISIONS

- A. Accessory signs shall be permitted for all buildings, structures, or premises used for purposes permitted by this Code, in accordance with the provisions of this Section regulating the location, placement, gross surface area, projection, sign height limitation, construction, and number of signs shall be subject to further restrictions by the applicable provisions of this Code.
- B. No sign or sign structure shall be placed on private or public property without the written consent of the owner or agent thereof.
- C. No sign or sign structure, other than official traffic signs, shall be placed upon, over or in any street or highway right-of-way or any sidewalk.
- D. No sign or sign structure shall be erected at any location where it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device. No rotating beam, beacon or flashing illumination resembling any emergency lights shall be used in connection with any sign display, nor shall any sign make use of the words "Stop", "Look", "Danger", or any other word, phrase, symbol or character in such a manner as to interfere with, mislead, or confuse traffic.
- E. No sign or sign structure shall be located in such a manner as to materially impede the view of any street or highway intersection, or in such a manner as to materially impede the view of the intersection of a street or highway with a railroad grade crossing. See Section 80.07.02 for requirements for a vision clearance triangle at all intersections.

SECTION 80.09.04: DESIGN STANDARDS

- A. Projects or buildings containing more than one store shall have an overall planned sign program.
- B. There shall be no more than three colors used on a sign, and all signs advertising one business or use shall utilize the same colors. The background color, black and white are all considered colors.
- C. Low profile, monument signs less than eight (8) feet high are encouraged.
- D. The name of the business shall be the dominant message on the sign.
- E. Registered or copyrighted logos or trademarks shall be allowed with a maximum of four (4) colors.
- F. All free standing signs, whether they are pole, pylon, or monument style, shall be maintained in a landscape area of not less than seventy (70) square feet in area surrounding the base of the sign.

SECTION 80.09.05: EXEMPT SIGNS

The following signs shall be exempt from the requirements of this Chapter, subject to the conditions specified in this subsection.

- A. GOVERNMENTAL, PUBLIC SAFETY, OR OTHER REQUIRED Signs Such signs shall be non-illuminated and shall not exceed the height limitations of a free standing sign in the same zoning district.
- B. OWNER OCCUPIED SIGN
One residential name sign not to exceed one (1) square foot in sign area, mounted on the side of the structure, and identifying only the owner or occupant of a residential building.
- C. Memorial plaques, historical markers, integral decorative or architectural features of buildings, except trademarks, moving parts or moving lights.
- D. SIGNS FOR THE SALE OR LEASE OF REAL PROPERTY
 - 1. Real Estate Signs for Property of Less than One Acre: The following provisions shall apply for signs offering property of less than one (1) acre for sale, lease or rent, when located on the site for sale or lease.
 - a. Size: Such sign shall not exceed six (6) square feet in area.
 - b. Height: Such sign shall not exceed four (4) feet in height if free standing.
 - c. Location: Such sign shall be at least five (5) feet inside the property lines in all zone districts, and shall not be located within a street right-of-way
 - d. Only one (1) such sign may be displayed on each street frontage of the property to which it refers.
 - e. Such signs shall not be illuminated.
 - f. Real estate signs shall be removed no later than immediately after the sale or lease of the property.
 - 2. Real Estate Signs for Property of One Acre or More: The following provisions shall apply for signs offering developed or undeveloped property of one (1) acre or more for sale, lease, or rent, and for signs advertising the development and sale of land within a subdivision, when such signs are located upon the property for sale or lease.
 - a. Size: Such signs shall not exceed thirty-two (32) square feet in sign area.
 - b. Height: Such signs shall not exceed eight (8) feet in height.
 - c. Location: Such signs shall be located at least five feet inside the property line in all zoning districts, and shall not be located within the street right-of-way.
 - d. Only one (1) such sign may be displayed per street frontage of the property to which it refers.
 - e. Such signs shall not be illuminated signs.
 - f. Real estate signs shall be removed no later than immediately after the sale or lease of the property, or in the case of a subdivision, immediately after development is completed.
 - 3. Off Site Directional Signs for the Sale or Lease of Real Property
The following provisions shall apply to off-site directional signage for the sale or lease of real property.

There shall be allowed no more than four (4) directional signs provided for each site or subdivision offering land for sale or lease:

- a. no sign shall exceed four (4) square feet in area;
- b. no sign shall exceed two (2) feet in height;
- c. no sign is located in the public right-of-way;
- d. no sign is located closer than ten (10) feet to a property line;

E. SUBDIVISION MODEL HOME SIGNS:

The following provisions shall apply to signs identifying a Model Home.

1. Size: Such sign shall not exceed six (6) feet in sign area.
2. Height: Such sign shall not exceed six (6) feet in height.
3. Model home signs may be displayed only on the premises of the Model Home which it identifies.
4. Only one (1) such sign may be displayed per Model Home.

F. POLITICAL SIGNS:

1. Political signs shall be permitted on any lot for a period thirty (30) days prior to a primary or general election (including special elections), and ten (10) days following a general or special election.
2. Political signs are prohibited on public property or public right-of-way and shall not be located where they would interfere with intersection visibility (see Section 80.07.02).

G. CONSTRUCTION ANNOUNCEMENT SIGNS:

Signs placed on real property upon which construction is to take place, or is taking place, which contain information regarding the individual and firms directly connected with the construction project, including the name of the contractor, the subcontractors, the real estate licensee, and the future tenant(s), shall be permitted according to the following provisions:

1. Size: Such signs shall not exceed six (6) square feet in sign area in a residential zone district or residential subdivision, and shall not exceed thirty-two (32) square feet in sign area in a business or industrial zone district.
2. Height: Such signs shall not exceed four (4) feet on a parcel of land in a residential zone district or residential subdivision, and shall not exceed eight (8) feet on a parcel of land in a business or industrial zone district.
3. Location: Such signs shall be located at least five (5) feet inside the property line in all zones, and shall not be located within a road right-of-way.
4. Only one (1) such sign may be displayed on each street frontage of the property to which it refers.
5. Such signs shall be non-illuminated.
6. Such signs shall be removed within seven (7) days after issuance of Certificate of Occupancy.

SECTION 80.09.06: INCIDENTAL SIGNS

The following signs shall be permitted to be placed within specified zoning districts without a permit, subject to the restrictions and limitations contained in this subsection. Incidental signs shall not count toward the total sign allowance of a lot.

A. PARKING LOT SIGNS

Parking lot signs shall include signs which are placed or displayed in parking lots to supply information to people using such lots, including such information in respect to liability, entry, exit, and directional information, as necessary to facilitate the safe movement of vehicles served by the parking area. Handicap parking provision signs are also covered under this subsection. Such signs are not intended to be advertising signs and shall not display any advertising matter or company logos.

1. Location: Incidental parking lot signs shall be permitted in all business and industrial zones, or on institutional sites located in residential zones.
2. Maximum Area: Incidental parking lot signs shall not exceed four (4) square feet in area.
3. Maximum Height: Incidental parking lot signs shall not exceed eight (8) feet, unless there are extenuating circumstances requiring identification of handicapped stall locations, as a result of changes in topography, or ground level, that do not permit handicapped persons access to visibility of such signs upon entry to parking lot areas.

B. TIME AND TEMPERATURE SIGNS

Signs which display the time, the temperature, or both may be permitted in all business and industrial zones, according to the following provisions:

1. Size: A time and temperature sign, or the time and temperature portion of a sign shall not exceed eight (8) square feet.
2. If mounted on building, the top of such sign shall not extend above the roof line of the building on which it is displayed.
3. The sign area shall not be counted as part of the total signage allowance for each business, profession, or industry being identified. However, all applicable sign regulations, such as height and location of signs for the district in which it is located shall apply.

C. BARBER POLES

Rotating or stationary cylindrical poles of the traditional red, white and blue spiral striped design, identifying the premises as a barber shop may be permitted in all business districts.

1. Size: Shall not exceed two and one-half (2 ½) feet in length.
2. Barber poles shall be attached by brackets to the barber shop being identified. The top of the pole shall not extend above the roof line of the barber shop being identified. Such signs may move or rotate, notwithstanding the general prohibition of moving or rotating signs in subsection 80.09.08[C]. Also, such signs if illuminated, must be subdued.

D. FLAGS

Flags, including flags of the United States, the state, local municipalities, foreign nations having diplomatic relations by the United States, and any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction, shall be permitted in all zoning districts. These flags must be flown in accordance with the protocol established by the Congress of the United States for the "Stars and Stripes." Any flag not meeting any one or more of these conditions shall be considered a sign and shall be subject to regulation as such.

SECTION 80.09.07: TEMPORARY SIGNS

Temporary signs shall be permitted in applicable districts by the grant of a Temporary Sign Permit issued by the Executive Director in accordance with the requirements of this Section, and Section 80.04.04.

A. PORTABLE SIGNS

Portable signs shall be permitted in the LB or GB districts in accordance with the basic following provisions.

1. Size: Such signs shall not exceed thirty-two (32) square feet of sign area.
2. Height: Such signs shall not exceed (6) feet in height.
3. Location: Such signs shall not be located closer than three (3) feet to a street right-of-way line or within the vision clearance triangle on corner lots.
4. Notwithstanding any other provisions of this Section, a permit for a portable sign shall not be issued unless such sign has been approved by the Executive Director, and is in conformance with the provisions of Chapter 90 (Building Code).
5. Under no circumstances shall portable signs have flashing or intermittent lights, be animated, display words such as "stop, slow, go, caution" or be shaped like a traffic sign.
6. Portable signs shall be securely fastened to the ground .
7. Portable signs shall be permitted for a maximum of 10 days.

B. COMMUNITY ACTIVITY SIGNS:

Community activity signs are generally associated with religious, charitable, cultural, civic or educational organizations. Community activity signs are allowed in business and industrial districts, whether they are on the site of the activity or are located at another site to advertise the activity. Such signs are allowed in residential zones only if located on the site of the activity . Signs advertising a community activity, whether on-site or off-site, shall meet the following provisions:

1. Size: Such signs shall not exceed twelve (12) square feet of sign area.
2. Location: Such signs shall not be located less than five (5) feet inside the property line in all zones, and shall not be located within a road right-of-way.
3. Such signs shall only be permitted for a period of fourteen (14) days prior to the date of the activity and five (5) days following the activity.

4. Such signs shall be non-illuminated and shall identify the organization hosting the activity.
 5. Such signs shall be at a level consistent with adequate identification and readability without causing excessive complaints from neighboring property owners.
- C. COMMERCIAL BANNERS, FLAGS AND PENNANTS
- Banners, flags and pennants, other than those regulated by Section 80.09.06[D], which are temporarily displayed for business promotion purposes, shall meet the following provisions:
1. Size: Banners, flags and pennants shall not exceed thirty (30) square feet in total surface area.
 2. Height: Banners, flags and pennants shall not extend or fly above the roof of the building.
 3. Location: Banners, flags and pennants shall be permitted as temporary signage in all business and industrial zones.
 4. Banners, flags, and pennants shall be non-illuminated.
 5. No more than two (2) permits for temporary banners, flags or pennants shall be issued to any one (1) business entity in any one (1) calendar year. The length of time for which the banners, pennants and flags may be permitted shall be limited to a three week period, and each promotion during which such temporary banners, flags or pennants are displayed shall be separated by a period of no less than four (4) weeks..

SECTION 80.09.08: PROHIBITED SIGNS

- A. Any sign which is not included under the types of signs permitted in this Code or which does not conform to the provisions of this Code.
- B. Flashing Signs: Signs containing lights which flash, blink or which give the appearance of the same are prohibited, except for Time and Temperature Signs as allowed by Section 80.09.06[B].
- C. Moving or Rotating Signs: Signs designed to move or rotate in whole or in part are prohibited, except for Barber Poles as allowed in Section 80.09.06[C].
- D. Portable Signs: Sandwich board "A" frame signs are prohibited, either on the ground or carried by a person.
- E. Roof Signs: Signs which project above the roof line of the building are prohibited.
- F. Signs Interfering with Traffic Safety: Signs adversely affecting vehicular traffic and pedestrian safety are prohibited.
- G. Vehicle Signs: Signs placed or displayed on vehicles parked primarily for the purpose of displaying the sign are prohibited.
- H. Bus Bench Signs: Signs located on benches or other similar structures provided for the use of passengers along the route of a bus are prohibited.
- I. Signs made of any material including paper, cardboard, wood and metal, which are tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, fences, or

other objects, and the advertising matter appearing thereon is not applicable to the premises on which said sign is located.

SECTION 80.09.09: PROVISIONS FOR SIGNS IN AGRICULTURAL AND RESIDENTIAL DISTRICTS

The following signs may be placed in all residential districts by permit, subject to the restrictions and limitations specified in this Section.

A. SUBDIVISION SIGNS

Signs identifying a Subdivision or a Planned Unit Development shall meet the following provisions:

1. Such signs may be displayed at each street entrance to a subdivision.
2. Such signs shall only contain the name of the subdivision.
3. No more than two (2) such signs may be displayed at each entrance if they are an integrated part of an entrance or boundary wall; otherwise, only one (1) such sign shall be permitted at each entrance.
4. Size: Such signs shall not exceed fifteen (15) square feet in sign area.
5. Height: Such signs shall not exceed six (6) feet in height.

B. APARTMENT/MULTI-FAMILY DWELLING IDENTIFICATION SIGNS

Signs identifying an apartment or multi-family dwelling or complex name and/or address shall be permitted according to the following provisions:

1. Only one (1) such sign may be displayed on each street frontage.
2. Such signs shall not include any promotional material.
3. Size: Such sign shall not exceed twenty four (24) square feet in sign area.
4. Height: Such sign shall not be more than five (5) feet in height.
5. Location: Such sign shall not be located less than five (5) feet inside the property line, and shall not be located within a road right-of-way or vision clearance triangle.

C. INSTITUTIONAL SIGNS

Signs identifying the premises of, or announcing the activities conducted by a church, school, hospital, nursing home, or similar institutional facility in a residential district shall meet the following provisions:

4. Only one such sign may be displayed for each street frontage.
4. Size: The aggregate size of all institutional signs on a lot shall not exceed twenty-four (24) square feet in sign area.
4. Height: The height of any free-standing institutional sign shall not exceed five (5) feet.
4. Location: Institutional signs shall not be located less than five (5) feet inside the property, and shall not be located within a road right-of-way.
4. Changeable copy is permitted as a component of the sign types permitted for institutional uses in residential districts, provided that the changeable copy surface area shall not cover more than forty percent (40%) of any sign.

D. HOME OCCUPATION SIGN

One (1) non-illuminated identification sign shall be permitted to identify a home occupation. Such sign shall not exceed two (2) square feet of sign area and shall be affixed to the wall of the home.

E. OFFICE OF MANAGER SIGNS

Signs which identify the location of the office of the property manager for a multi-family complex or a mobile home park shall be permitted, provided that such signs shall not exceed four square feet in area. Such signs shall be affixed to the wall of the building which houses the manager's office.

SECTION 80.09.10: PROVISIONS FOR SIGNS IN BUSINESS AND INDUSTRIAL DISTRICTS

The following signs may be placed in business and industrial districts by permit and subject to the restrictions and limitations specified in this subsection. Where a sign is permitted in a district, it shall only be allowed if the following conditions are met.

- A. The sum of the area of all signs on the lot, excluding incidental signs which meet the provisions of Section 80.09.06, shall not exceed two (2) square feet per lineal foot of street or occupancy frontage, or 300 square feet total, whichever is less;
- B. There shall be no more than three (3) signs located on any lot;
- C. The setback for all non-residential signs shall be at least fifteen (15) feet from the right-of-way. Setbacks may be reduced according to the following:
 - 1. Monument signs may be setback seven (7) feet from the right-of-way.
 - 2. For each foot a sign is lowered below the permitted maximum height, the sign may be located two (2) feet closer to the right-of-way than the required setback, provided no sign is placed closer than five (5) feet from the right-of-way and no sign is placed within a utility easement.
- D. The size, location, and number of all signs shall conform with the requirements of this subsection.
 - 1. **Awning Signs**
Signs located on awnings shall be affixed flat to, or painted upon the surface thereof, shall not extend vertically or horizontally beyond the limits of said awning, and shall not be illuminated. Only the name and address of the use shall be indicated.
 - 2. **Changeable Copy Signs**
Changeable copy is permitted as a component of the sign types permitted in this Ordinance in the business and industrial districts, provided that the changeable copy surface area shall not cover more than forty percent (40%) of any sign.
 - 3. **Flags**
Any flag not considered an incidental sign by subsection 80.09.06[D], or a temporary sign by subsection 80.09.07 above shall be subject to height and area regulation as a free standing sign, and shall be included when figuring the total amount of signage on a lot.

4. Free standing Individual Business Signs

No more than one free-standing sign identifying an individual building, business, profession or industry shall be permitted per street frontage. Free standing signs shall meet the requirements of one of the following. No free standing signs shall be permitted in the CB district.

- a. Pole or Pylon Signs. Pole or pylon signs shall not be higher than twenty (20) feet above the street elevation to which the sign is oriented, and the maximum surface area of such sign shall not exceed 100 square feet per side.
- b. Monument Signs. Monument signs shall not be higher than eight (8) feet in height, and the maximum surface area of such sign shall not exceed 100 square feet per side.

5. Marquee And Canopy Signs

Signs or sign structures located on a marquee or canopy shall be affixed flat to the surface thereof, and shall not extend vertically or horizontally the marquee or canopy limits.

6. Off Premises Signs

- a. Such signs may only identify a building, business, profession, or industry not fronting on any road or street, but only having a vehicle access to a road or street by means of an easement. Off premise signs shall only be permitted by right for unified centers such as business parks, industrial parks and shopping centers. Off premise signs for individual business shall be permitted as a special exception under the terms of Section 80.04.02. Only one such sign shall be displayed for each unified center, building, business, profession or industry. Size: Such sign shall not exceed twelve (12) square feet in sign area for a sign mounted flat on a building, or twenty-five (25) square feet for a free standing sign.
- b. Height: Such sign shall not exceed eight (8) feet in height if free standing.

7. Projecting Signs

- a. Such signs shall be discouraged where it is possible to provide adequate signage flat against a building.
- b. In no event shall such signs project more than six feet beyond their supporting building or extend above the roof line of a building.
- c. Not more than one projecting business sign structure shall be allowed for each lot or occupant thereof and the maximum surface area of such sign shall not exceed twenty-four (24) square feet per side.
- d. No projecting sign shall be at its lowest point less than eight (8) feet above grade level.
- e. In the CB district, projecting signs shall not be larger than ten (10) square feet and shall not extend more than four (4) feet from any building.

8. Suspended Signs

The following shall apply to signs suspended above a walkway to identify a business, profession, or industry conducted on the premises.

- a. Size: Such signs shall not exceed four (4) square feet in sign area per face.
- b. Height: Such sign shall extend no lower than eight (8) feet above the area over which it is suspended.
- c. Such signs shall identify only a building, business, profession, or industry and bear no commercial message. Only one (1) such sign shall be displayed per building entrance.

9. Wall Signs

No more than three (3) wall signs shall be permitted for any business, profession, or industry, and only one (1) wall sign shall be displayed per side of a commercial or industrial building. In no event shall such signs face onto a residential area.

- a. Size: No wall sign shall occupy more than thirty percent (30%) of the wall surface on which it is located, provided that in the CB district, wall signs shall not cover more than fifteen percent (15%) of the wall surface on which they are mounted.
- b. Height: No wall sign shall extend above the roof of the building upon which the sign is placed or displayed.
- c. No wall sign shall extend more than six (6) inches horizontally from such wall. Any sign which extends farther than six (6) inches from the wall shall be considered a projecting sign.

10. Window Signs

Signs placed or displayed on a window or window frame shall not cover more than fifty percent (50%) of the window area, unless located in the CB district in which, window signs shall not cover more than fifteen percent (15%) of the window area. Such signs shall only be used to announce special sales, change of management, or similar information.

SECTION 80.09.11: PERMITTED SIGNS FOR GASOLINE SERVICE STATIONS

Due to the differing characteristics of gasoline service station sign requirements, the following sign provisions shall apply for filling stations.

- A. A convenience store or fast food restaurant located on the same premise as the gasoline service station shall be a separate tenant than the gasoline service station and shall be permitted its own signage in accordance with the regulations herein.
- B. Signs such as “self serve”, “full serve” pump numbers and company logos shall be permitted without being counted toward the total signage permitted, provided the letters, numbers and symbols are no larger than six (6) inches in height.
- C. In addition to the signage permitted for all commercial uses, gasoline service stations shall be permitted one set of gasoline prices (one price per fuel product) with letters and numbers no greater than eighteen (18) inches in height, visible from each direction of traffic from each street frontage. Whenever possible, gasoline prices shall be incorporated into the business signage on the site. In the event that gasoline prices are

displayed on a separate sign, such sign shall conform to the following area and height requirements:

1. Area: not to exceed twelve (12) square feet in sign area.
 - a. Height: Six (6) feet.

SECTION 80.09.12: UNIFIED CENTER SIGNS

For unified centers, including shopping centers, office parks and industrial parks, in single ownership or under unified control, one additional business sign in addition to those signs permitted in this section shall be permitted for each main entrance to the center. Such signs shall indicate only the name of such center and the name and type of business of the occupants of such center. Unified Center Signs may free standing signs or placed separately on a building.

A. WHEN PLACED ON A BUILDING:

1. The total area of the unified center sign shall be limited to ten percent of the facade of the building and shall not exceed forty (40) square feet in area. Each portion of the sign identifying an individual business shall not exceed six (6) square feet in sign area.
2. When mounted to a building, a unified center sign shall not extend above the roof line of the building on which the sign is placed.

B. FREE STANDING

1. The maximum surface area of such sign shall not exceed 120 square feet.
2. Free standing unified center signs should be monument style signs. Where it is not possible or feasible to use a monument style sign, then pole or pylon signs may be used. In no circumstances shall a unified center sign exceed eight (8) feet in height. The design, materials and color of the structure supporting a free standing sign or business directory or combination thereof shall be required to have a design, similar materials, and colors of the structure or structures being identified. Materials allowed are wood, masonry, stucco over wood or steel frame, and pre-cast concrete.
3. Free-standing unified center signs shall meet the setback and landscaping requirements of all free-standing signs as set forth in subsection 80.09.01[F] above.

SECTION 80.09.13: ADVERTISING SIGNS (BILLBOARDS:)

- A. It is the intent of this division to establish reasonable and uniform limitations, safeguards, and controls for the operation and use of advertising signs or billboards in the County. Such requirements are deemed necessary in the public interest to protect the use and value of adjoining properties, the safety of heavily traveled corridors, and the best interests of the community.
- B. Billboards shall be treated as principal uses in commercial districts, and as such shall not be located on the same lot as any other principal use. Billboards shall be considered special exceptions and be subject to all regulations and reviews for such uses as set forth in Section 80.04.02. Billboards in agricultural districts may be permitted as accessory uses.

- C. One advertising sign shall be permitted on any lot of at least 300 feet of frontage on a street designated as a primary arterial in the PB, A1 or A2 Districts.
- D. Minimum setback lines shall be 60 feet or twice the height of the sign, whichever is greater.
- E. No Advertising sign shall be permitted within 500 feet of a residential district, and no advertising sign shall be located within 2500 feet of another advertising sign.
- F. The face of an advertising sign shall not be greater than 672 square feet and shall not contain more than one (1) advertising sign per facing.
- G. The maximum height of advertising signs erected on the ground shall not exceed 40 feet above the street elevation to which the sign is oriented.

SECTION 80.09.14: PERMIT PROCEDURES

All signs identified by this chapter as requiring the issuance of a permit shall be governed by the criteria for permit applications established by the Plan Commission.

A. CRITERIA FOR ALL SIGNS REQUIRING A PERMIT

A permit application for a sign otherwise in compliance with this Section shall be approved if said sign complies with the following criteria:

- 1. The sign should serve primarily to identify the business, the establishment, or the type of activity conducted on the same premises of the product, service or interest being offered for sale, lease or rent thereon, except in the case of advertising or off-premise signs.
- 2. The illumination of signs, where not specifically prohibited by this chapter, should be at a level consistent with adequate identification and readability.
- 3. Signs requiring approval of the Board of Zoning Appeals for Special Exceptions must first receive the Board's approval.
- 4. The appropriate fees have been paid.

B. PERMIT APPLICATION PROCEDURE

- 1. Applicants are required to apply for permits prior to undertaking any construction.
- 2. Applicants shall be encouraged to provide a sign program for groups of businesses, professional offices or industrial complexes, as opposed to obtaining single permits. Only one sign permit shall be required for each sign program.
- 3. Applications shall be made on an application form provided by the Executive Director and shall include the following:
 - a. The location of the building, structure or land on which the sign is to be located.
 - b. The dimensions of the sign, and where applicable, the dimensions of the wall surface of the building to which it is to be attached.
 - c. The dimensions of the sign's structural members.
 - d. The proposed location of the sign in relation to the face of the building or the lot lines of the property on which it is to be located (including the locations of easements), whichever is applicable.

- e. A sign permit fee shall accompany the application for a permit and shall be paid in accordance with the fee schedule in effect at the time of application.
- 4. Duration of Permit: All permits are good for the life of the sign except for permits for those signs which are expressly specified as temporary signs pursuant to this Section.
- 5. Nullity of Permit: A sign permit shall become null and void if the sign or sign program for which the permit was issued has not been installed within twelve (12) months of issuance of said permit.

SECTION 80.09.15: NON CONFORMING SIGNS

Any legally established non-conforming sign shall be permitted without alteration in size or location. If such sign is damaged or dilapidated to an extent of more than fifty percent (50%) of its replacement cost at time of damage or repair, it shall not be rebuilt, unless in accordance with the standards of this Section. Provided, however, that nothing herein shall prevent maintenance, repainting or normal repair of legally established non-conforming signs.

- A. Maintenance and Removal Signs no longer identifying a business, professional office, or industry that they were intending to identify shall be removed within thirty (30) days following the dissolution of a business, professional office, or industrial activity.
- B. Signs which are no longer functional shall be removed. Signs shall be considered no longer functional when such sign is materially obstructed from view, when its essential elements are no longer readable, or when a condition of dilapidation is in evidence.
- C. Any sign permit granted in accordance with the provisions of this Section may be revoked after notice is given and a public hearing held and upon a finding by the Board of Zoning Appeals that the sign, or sign program for which the permit was granted advertises the availability or sale of goods, property or services no longer available, or is constructed, installed or maintained in a manner that is not in accordance with the approved application.

10. LANDSCAPING

TABLE OF CONTENTS

Section 80.10.01: Landscaping.....	160
Section 80.10.02: Buffer, Screening And Landscaping Requirements.....	163
Section 80.10.03: Parking And Loading Areas.....	167
Section 80.10.04: Modifications.....	168
Section 80.10.05: Approved Landscaping Materials.....	169
80.10.T-1: Landscape Buffer Requirements.....	165
80.10.T-2: Screening Requirements for Individual Uses	166
80.10.T-3: Trees Approved for Planting Along Public Streets and Highways and in Locations Where Low Maintenance, Hardy Specimens with High Canopies are Required	169
80.10.T-4: Trees Approved for Use within the interior of the site	171
80.10.T-5: Upright Shrubs Approved for Screening, Hedges, and Specimen Planting	171
80.10.T-6: Spreading Shrubs Approved for Low Borders, Parking Lot Islands, and Ground Covers.....	173
80.10.T-7: Vines for Walls and Fences.....	174

SECTION 80.10.01: LANDSCAPING

A. PURPOSE

The purpose of this Section is to establish minimum standards for the provision, installation, and maintenance of landscaped areas in order to:

1. Increase the compatibility of development with both adjacent development and the natural environment;
2. Provide direct and important physical and psychological benefits to human beings through the use of landscaping to reduce noise and glare, and to break up the monotony and soften the harsher aspects of development;
3. Protect and enhance property values;
4. Improve environmental quality through the numerous beneficial effects of landscaping upon the environment; and
5. Foster aesthetically pleasing development that will protect and preserve the appearance and character of the community.

B. APPLICABILITY

These landscape regulations shall apply to all public, private, and institutional development unless otherwise exempted from this Code. These landscape regulations shall apply to single and two-family residential uses only when buffering from incompatible uses is required. Previously approved development need not comply unless new site development approval is being sought.

C. ENFORCEMENT

For those developments requiring a buffer, screen, or other landscaping, as set forth in this Section, a landscape plan shall be submitted along with the site plan or development plan for that development in accordance with the procedures set forth in Sections 80.12.04 and 80.12.05. No permanent Certificate of Occupancy shall be issued without completion of all landscaping shown on the landscape plan required herein. A temporary Certificate of Occupancy may be issued for the building for a period of up to one year when weather conditions do not permit landscape installation, provided that the developer shall submit a financial guarantee in the amount of one hundred and twenty-five percent (125%) of the installed cost of landscaping when planting has to be delayed. Failure to implement the approved landscape plan, including preservation of existing features, or to maintain the landscaping in accordance to the provisions of this Section as long as an incompatibility of adjoining uses exists, shall be a violation of this Zoning Code, subject to the penalties outlined in Section 80.14.

D. CONTENT OF LANDSCAPE PLAN

When required, a landscape plan shall conform to the following requirements:

1. A landscape plan is required for each lot within the proposed development. It is recommended that the landscape plan be prepared by a landscape architect, nurseryman, or other professional experienced in landscape design and the installation and care of plant materials.
2. All landscape plans submitted for approval as a component of a required site plan or development plan shall show the entire zoning lot to scale, and shall contain the following information:
 - a. The location and dimensions of all existing and proposed structures, parking lots and drives, roadways and right-of-way, sidewalks, refuse disposal areas, utility lines and easements, freestanding structural features, and other landscape improvements, such as earth berms, walls, fences, screens and paved areas;
 - b. The name and address of the owner, developer, and plan preparer, the date the plan was prepared, scale, and north arrow;
 - c. The location, quantity, size, and name—both botanical and common—of all proposed planting materials;
 - d. The location, size, and common name of existing trees and individual shrubs, areas of dense trees or shrubs, and other natural features, indicating which are to be preserved and which are to be removed;
 - e. The location of barriers to be placed at or beyond the drip line of any trees to be preserved, and the type of material to be used for the barrier;
 - f. Details indicating specific grading measures or other protective devices where trees are to be preserved in areas of cut and fill; and
 - g. Planting and installation details as necessary to ensure conformance with all required standards.

E. PRESERVATION OF EXISTING FEATURES

Trees and shrubs already existing within the site shall be preserved wherever feasible.

1. Existing trees may be used to fulfill tree planting requirements if such trees are in a healthy and growing condition and if they are included on the Plant List set forth in Tables 80.10.T-3 and 80.10.T-4 of this Section. The Executive Director may approve existing trees which are not included on the plant list as part of the landscape plan upon determining that the tree is of an appropriate size and variety.
2. Existing trees to fulfill tree planting requirements shall be protected by barricades or other applicable methods during site preparation and construction to protect the area defined by the limits of the dripline of the canopy of the tree. These barricades shall remain in place during heavy construction on the site, and no vehicle, machinery, tools, chemicals, construction materials, nor temporary soil deposits may be permitted within the barriers, nor may any notice or other object be nailed or stapled to protected trees. Upon completion of the development, a minimum of seventy-five percent (75%) of the protected area shall be maintained as permanent permeable landscape area at grades existing prior to site development.
3. Where trees are to be preserved in areas of cut or fill, specific grading measures or other protective devices, such as tree wells, tree walls, or specialized fill and pavement designs shall be required and shall be fully detailed on the Landscape Plan.

F. INSTALLATION AND MAINTENANCE

1. Plant materials shall conform to the requirements described in the latest edition of the American Standard for Nursery Stock, which is published by the American Association of Nurserymen.
2. Plants shall conform to the measurements specified below:
 - a. Caliper measurements shall be taken six inches above grade for trees under four inches in diameter and twelve inches above grade for trees four inches or larger in diameter.
 - b. Minimum branching height for all shade trees shall be four (4) feet.
 - c. Minimum size for shade trees shall be two (2) inches in caliper.
 - d. Minimum size for ornamental trees shall be one and a half (1.5) inches in caliper.
 - e. Minimum size for evergreen trees shall be four (4) feet high.
 - f. The Executive Director or Plan Commission may impose a condition at the time of site or development plan approval, that plants be larger at the time of installation, due to the surrounding character of the area.
3. The owner of the premises shall be responsible for the maintenance, repair, and replacement of all landscaping materials on the premises.
4. All plant material which dies shall be replaced with plant material of the required size within thirty (30) days of the plant material's death. This period may be extended if weather conditions inhibit installation of new plant materials.
5. All landscaped areas shall be kept free of refuse and debris. Fences, walls, and other barriers shall be maintained in good repair.

6. It is the responsibility of each private property owner to remove any dead, diseased, or dangerous trees or shrubs, or parts thereof, which overhang or interfere with line of sight, traffic control devices, public sidewalks, rights-of-way, or property owned by the County. The County shall have the authority to order the removal of any such trees or shrubs.

G. VISIBILITY

Where the rigid enforcement of these standards creates a conflict with the vision clearance area (Section 80.07.02), the vision clearance area shall take precedence, and the landscape buffer standard shall be reduced to the extent necessary to alleviate the conflict.

H. APPROVED LANDSCAPING AND BUFFERING MATERIALS

1. The Approved Materials Section specifies the approved trees, shrubs, and ground cover to be used to meet the landscaping and buffering requirements of this code. The tables should be used according to the following provisions:
 - a. Trees proposed for placement in parking lots and along streets shall come from Table A.
 - b. Trees proposed to meet landscaped buffer requirements, other than those along parking lots and streets, may be from either Table B or Table C.
 - c. Shrubs and vines proposed to meet the requirements of this Section may come from Tables C, D and E.
2. The tables of plant materials included in this Section are classified by type. Trees are grouped into three categories: shade trees, ornamental trees; and evergreens. Shrubs are grouped by height: small shrubs (<2'), medium shrubs (2'-6'), and large shrubs (>6'). Plant materials not listed on the tables will be assigned a classification based on height, spread, and/or crown at maturity, using the best available resources to determine mature characteristics.
3. For design flexibility, plant substitutions may be made on the following basis, unless otherwise noted:
 - a. 1 shade tree = 2 ornamental trees = 2 evergreen trees
 - b. 1 ornamental tree = 1 evergreen tree
 - c. 1 large shrub = 2 medium shrubs or 4 small shrubs
 - d. 1 medium shrub = 2 small shrubsNo more than fifty percent of the required planting materials shall be substituted for other planting materials.

SECTION 80.10.02: BUFFER, SCREENING AND LANDSCAPING REQUIREMENTS

A. APPLICABILITY

Buffering is required for all incompatible adjacent uses. Bufferyard requirements shall apply to single and two-family residential uses only when buffering from incompatible uses is required.

B. LOCATION OF BUFFER AREAS

Landscape buffers shall be located on the outer perimeter of a lot or parcel, extending to the lot or parcel boundary line. Such buffers shall run the entire length of the lot line along which they are required. Landscape buffers shall not be located on any portion of an existing or dedicated public or private street right-of-way or drainage and utility easements. Buffer areas shall be in addition to the required building setback area.

C. BUFFER TYPES

1. Level 1 Buffer

Level 1 buffer provides a low level of buffering and shall have the following characteristics:

- a. The width of the buffer shall be ten (10) feet.
- b. One shade tree shall be planted per thirty (30) lineal feet of buffer.
- c. Five large shrubs shall be planted per thirty (30) lineal feet of buffer.
- d. Ground cover plant shall fully cover the remainder of the buffer.

2. Level 2 Buffer

Level 2 buffer provides a medium level of buffering and shall have the following characteristics:

- a. The width of the buffer shall be twenty (20) feet.
- b. One shade tree shall be planted per thirty (30) lineal feet of buffer.
- c. Five large shrubs shall be planted per thirty (30) lineal feet of buffer.
- d. Ground cover plant shall fully cover the remainder of the buffer.

3. Level 3 Buffer

Level 3 buffer provides a high level of buffering and shall have the following characteristics:

- a. The width of the buffer shall be forty (40) feet.
- b. One shade tree shall be planted per thirty (30) lineal feet of buffer.
- c. Eight large shrubs shall be planted per thirty (30) lineal feet of buffer.
- d. Two evergreen trees shall be planted per thirty (30) lineal feet of buffer.
- e. Ground cover plant shall fully cover the remainder of the buffer.

4. Level 4 Buffer

Level 4 buffer provides an additional buffer area between residential uses and agricultural operations. The level 4 buffer shall also apply to new residential uses in agricultural zoning districts when such uses abut an operating farm.

- a. The width of the buffer shall be thirty (30) feet.
- b. No plantings shall be required in a level 4 buffer. Rather, property owners are cautioned that any plant material located within the required buffer is at risk from chemical applications on adjacent farm fields.

D. GENERAL PROVISIONS

1. If all or any part of a required buffer has been provided by the adjacent property, the proposed use must provide only that amount of the buffer that has not been provided on the adjacent property.
 - a. Planting beds for shrubs shall be a minimum of three (3) feet wide.
 - b. The width of a buffer, the required number of shrubs, and the required number of evergreen trees may be reduced by half if a wall or fence is used to screen the new use from the existing use.

E. LANDSCAPE BUFFER REQUIREMENTS

80.10.T-1: LANDSCAPE BUFFER REQUIREMENTS

District of Proposed Use		Zoning District of Abutting Use									
		I-2	I-1	GB	PB	LB	R-3	R-2	R-1	A-2	A-1
A-1	Prime Agriculture						4	4	4		
A-2	Secondary Agriculture						4	4	4		
R-1	Single-family Residence	3	2	3	2	2	2			4	4
R-2	Single-family & Two-family Residence	3	2	3	2	1	1			4	4
R-3	Multi-family Residence	3	2	2	1	1		1	2	4	4
LB	Local Business	1	1				1	1	2	3	3
PB	Planned Business	1	1				1	2	2	3	2
GB	General Business	1	-				2	3	3	3	2
I-1	Enclosed Industrial				1	1	2	2	2	2	2
I-2	Open Industrial			1	1	1	3	3	3	2	2

Note: See Section 80.10.02[C] for explanation of buffer types.

F. SCREENS AND FENCES

1. Level 1 Screening

Level 1 screening shall have the following characteristics:

- a. Fence shall be constructed of wood, woven wire, chain link, ornamental iron, or masonry.
- b. Fence shall be 6 feet high .

2. Level 2 Screening

Level 2 screening shall have the following characteristics:

- a. Fence or wall shall be either opaque or covered with a dense plant growth so as to create an opaque surface. Fence shall be constructed of wood, woven wire, chain link, ornamental iron, or masonry.
- b. Fence or wall shall be 6 feet high.

3. General

Where a continuous solid screen is required, the density of the planting shall accomplish the formation of a solid visual screen within three (3) years of the date of planting.

80.10.T-2: SCREENING REQUIREMENTS FOR INDIVIDUAL USES

Use	Location of Screen		
	Complete Enclosure	Abutting Residential	Around Play Areas
Airport	Screening Level 1		
Cemetery		Screening Level 1	
Filling Station		Screening Level 2	
Nursing Home		Screening Level 1	
Outdoor Commercial Enterprise or Open-Air Business	Screening Level 2		
Penal Or Correctional Institution	Screening Level 2		
Private Recreational Development		Screening Level 1	
Public or Private School			Screening Level 1
Produce Or Truck Freight Terminal	Screening Level 2		
Sanitary Fill	Screening Level 2		
Special School			Screening Level 1
Junk Yard	See Section 80.06.06		
Wireless Communication Facilities	See Section 80.06.14[C][5]		

Note: See Section 80.10.02[F] for explanation of screening types.

G. BUFFERING AND SCREENING FOR INDIVIDUAL USES

1. Non-residential and multi-family or shared refuse disposal dumpsters shall be screened on three sides by the construction of permanent opaque wooden, brick, or masonry screens. Such screening shall be a minimum of six (6) feet in height and a maximum of eight (8) feet in height. The fourth side which provides access to the dumpster for refuse collectors shall be gated with an opaque screen and situated so that the container is not visible at an angle greater than forty-five degrees (45°) from adjacent public streets.
2. All non-residential manufacturing assembling, construction, repairing, maintenance, and storage which takes place outdoors and which is within fifty (50) feet of public street or a residential zoning district shall require a landscape buffer of Type 3 as described in Section 80.10.02[C][3]. All other storage shall be completely enclosed by a six (6) foot high screen consisting of an opaque fence,

masonry wall, dense plant material, or any combination thereof. (See Section 80.10.02[F][2] for Level 2 screening.)

3. Non-residential uses located in a residentially zoned districts shall provide opaque perimeter fencing where buildings or outdoor activities are within 50 feet of a residential lot.
4. Several permitted uses and special exceptions require screens and fences in circumstances where they may be incompatible with adjoining uses. Uses which require screening are located on Table 2 along with the situations in which screening is required. The letters located in the cells of the table correspond to the screen type located in Section 80.10.02[F].

SECTION 80.10.03: PARKING AND LOADING AREAS

A. PARKING LOT LANDSCAPING

The following landscaping requirements shall apply for all parking areas containing fifteen (15) or more parking spaces.

1. Interior Landscaping

A minimum of five percent (5%) of the gross area of the interior vehicular use area of a parking lot shall be landscaped. Perimeter parking lot landscaping and/or buffering shall not be included toward satisfying this requirement.

- a. Landscaped areas should be distributed throughout the parking lot in the form of landscaped islands in order to reduce the visual impact of long rows of parked cars
- b. One hundred percent (100%) of said landscaping area shall be planted with ground cover.
- c. Appropriate ground cover may include shade trees, ornamental trees, shrubbery, hedges, and grasses. However, at least one shade tree shall be provided for every 120 square feet of landscaped area. See Section 80.10.05 (Approved Landscaping Materials) above for suitable plant types.

2. Perimeter Landscaping

All parking lots regulated by this Section shall have a perimeter landscaped area of at least three (3) feet in width for parking lots less than 10,000 square feet in area and of at least five (5) feet in width for parking lots 10,000 square feet or greater in area. Such perimeter landscaping shall extend the full length of the parking lot.

- a. One hundred percent (100%) of said landscaping area shall be planted with ground cover.
- b. At least one shade tree and three (3) small shrubs shall be planted in the perimeter landscaping area for every ten (10) parking spaces in the parking lot. However, if shade trees already exist in the right-of-way adjacent to the parking area, such trees may be counted to satisfy this requirement. When determining the number of trees required, fractions shall be rounded to the nearest whole number. See Section 80.10.05 (Approved Landscaping Materials) below for suitable plant types.

3. General

All landscape areas shall be separated from vehicular use areas by concrete curbing or wheel stops. Roll curbs may not be used for this separation.

B. PARKING LOT SCREENING

1. Applicability

Where a parking lot abuts a residential district or is located within a residential district, or where a parking lot abuts a public street, the following provisions shall apply to the length of the parking lot adjacent to those streets or residential uses or districts. The regulations below may be used to satisfy the perimeter landscaping requirements for the affected side of the parking lot.

2. Width and Height

Screening shall be in a strip of landscaped open space at least five (5) feet wide and shall reach a height of at least three (3) feet.

3. Screening Materials

Screening may consist of both natural and man-made materials, provided that the materials create a continuous visual screen. The following screening types may be used.

- a. Plant Materials. Plant materials shall be characterized by dense growth and shall form an effective year-round screen within two years of the date of planting. Plant materials shall be chosen from Tables A and C.
- b. Fences And Walls. Fences and walls shall be solid and opaque and shall be made of wood, brick, or masonry materials.
- c. Berms. Earthen berms shall have a maximum slope of 3:1, shall not exceed three (3) feet in height, and must be entirely vegetated with lawn or ground cover within two (2) years of the date of planting.

C. LOADING AREA SCREENING

Vehicle loading areas shall be screened from public roads and adjacent residential districts where the yard containing the loading area is adjacent to the roadway or residential district. Screening shall be landscaped with Buffer Type 3 requirements as described in Section 80.10.02[C][3].

SECTION 80.10.04: MODIFICATIONS

- A. Under conditions where a strict interpretation of the requirements of this Section may be either physically impossible or create practical difficulties, an alternative compliance procedure may be used to maintain the spirit rather than the literal interpretation of the Code. The proposed solution must equal or exceed standard landscaping requirements. Requests to the Executive Director for use of alternative landscaping schemes are justified only when one or more of the following conditions apply:

1. The sites involve space limitations or unusually shaped parcels;
 - a. Topography, soil, vegetation, or other site conditions are such that full compliance is impossible or impractical;
 - b. Due to a change of use of an existing site, the required buffer is larger than can be provided;

- c. Safety considerations are involved; and
- d. Existing utility lines or easements complicate the placement of required plant materials.

The applicant must provide a justification statement that describes which of the requirements established by this Ordinance will be met with modifications, which project conditions justify using alternatives, and how the proposed measures equal or exceed normal compliance. The Executive Director will review the alternative compliance application and will make the final decision, in the case of a site plan, and will recommend approval, approval with conditions, or disapproval to the Plan Commission, in the case of a development plan.

- B. Where compliance is required as a result of change in use or expansion of an existing building and compliance with this Section will necessitate removal of existing pavement, the Executive Director may approve a reduction of parking lot setbacks and other minimum planting areas, provided that proposed plantings, screens, and other landscape features are substantially equivalent to the minimum requirements in terms of landscaping.
- C. The height of a buffer wall may vary from the requirements set forth in this Section, in cases where the topography is varied, or existing vegetation can contribute to the screening of the proposed use from adjacent properties. The height of the wall may not be lower than three (3) feet and no higher than 8 feet, the final decision shall be made by the Executive Director.
- D. Occasionally, plant substitutions for species specified on approved landscape plans are required due to seasonal planting problems and a lack of plant availability. Minor revisions to planting plans can be approved by the Executive Director if there is no reduction in the quantity of plant material, no significant change in size or location of plant materials, and if the substitute plants are of the same general category and have the same general design characteristics as the plants originally approved. Proposed materials must also be compatible with the microclimate of the site to ensure healthy plant growth. If the proposed plant substitutions do not fulfill these criteria, then the changes must be submitted to the Executive Director and reviewed for new approval.
- E. When the location of existing trees in a healthy and growing condition or significant natural landscape features impedes strict compliance with the standards set forth herein, then the submittal of an alternative buffer and screening plan which incorporates such existing features into the overall site design is encouraged.

SECTION 80.10.05: APPROVED LANDSCAPING MATERIALS

80.10.T-3: TREES APPROVED FOR PLANTING ALONG PUBLIC STREETS AND HIGHWAYS AND IN LOCATIONS WHERE LOW MAINTENANCE, HARDY SPECIMENS WITH HIGH CANOPIES ARE REQUIRED

BOTANIC NAME	COMMON NAME	TYPE	HEIGHT	TREE CATEGORY
Acer campestre	Hedge Maple	D	30'-40'	Ornamental
Acer Freemanii	Freeman Maple	D	50-60'	Shade
Acer rubrum	Red Maple	D	50-60'	Shade
Acer saccharum	Sugar Maple	D	50-70'	Shade

80.10.T-3: TREES APPROVED FOR PLANTING ALONG PUBLIC STREETS AND HIGHWAYS AND IN LOCATIONS WHERE LOW MAINTENANCE, HARDY SPECIMENS WITH HIGH CANOPIES ARE REQUIRED

BOTANIC NAME	COMMON NAME	TYPE	HEIGHT	TREE CATEGORY
Carpinus betulas 'Fastigiata'	UPRIGHT EUROPEAN HORNBEAM	D	30-40'	Ornamental
Carpinus caroliniana	American Hornbeam	D	25-30'	Ornamental
Celtis occidentalis	Hackberry	D	50-75'	Shade
Cercis canadensis	Eastern Redbud	D	20-25'	Ornamental
Crataegus crus-galli	Cockspur Hawthorn	D	15-25'	Ornamental
Crataegus phaenopyrum	Washington Hawthorn	D	20-25'	Ornamental
Fraxinus americana	White Ash	D	45-65'	Shade
Fraxinus pennsylvanica	Green Ash	D	40-50'	Shade
Gingko biloba	Gingko	D	40-60'	Shade
Gleditzia tricanthos inermis	Thornless Honeylocust	D	40-45'	Shade
Koelreuteria paniculata	Golden Rain Tree	D	20-35'	Ornamental
Liquidamber styraciflua	American Sweet Gum	D	40-60'	Shade
Malus hybrids	Flowering Crabapple	D	15-30'	Ornamental
Prunus 'Newport'	Newport Plum	D	15-20'	Ornamental
Prunus maackii	Amur Chokecherry	D	25-30'	Ornamental
Prunus virginiana	Chokecherry	D	20-25'	Ornamental
Pyrus calleryana	Ornamental Pear	D	20-25'	Ornamental
Quercus coccinea	Scarlet Oak	D	60-80'	Shade
Quercus palustris	Pin Oak	D	50-80'	Shade
Quercus phellos	Willow Oak	D	50-70'	Shade
Quercus robur	English Oak	D	50-70'	Shade
Quercus rubra	Red Oak	D	40-60'	Shade
Sorbus alnifolia	Korean Mountain Ash	D	20-30'	Ornamental
Sorbus "Aria"	White Beam Mountain Ash	D	25-40'	Ornamental
Tillia americana	American Linden	D	40-60'	Shade
Tillia cordata	Little-Leaf Linden	D	40-50'	Shade
Tillia tomentosa	Silver Linden	D	40-50'	Shade
Zelkova serrata 'Village Green'	Village Green Zelkova	D	40-60'	Shade

80.10.T-4: TREES APPROVED FOR USE WITHIN THE INTERIOR OF THE SITE

BOTANIC NAME	COMMON NAME	TYPE	HEIGHT	TREE CATEGORY
<i>Acer ginalla</i>	Amur Maple	D	15-20'	Ornamental
<i>Acer palmatum</i>	Japanese Maple	D	15-20'	Ornamental
<i>Amelachier canadensis</i>	Juneberry	D	30-35'	Ornamental
<i>Amelachier gransiflora</i>	Apple Serviceberry	D	25-30'	Ornamental
<i>Amelchier laevis</i>	Allegheny Serviceberry	D	25-30'	Ornamental
<i>Betula nigra</i>	River Birch	D	30-40'	Ornamental
<i>Betula papyrifera</i>	Paper Birch	D	30-40'	Ornamental
<i>Cercidyphyllum japonicum</i>	Katsura Tree	D	25-40'	Ornamental
<i>Cornus kousa</i>	Japanese Dogwood	D	20-25'	Ornamental
<i>Cotinus coggyria</i>	Smoke Tree	D	15-20'	Ornamental
<i>Gymnocladus dioicus</i>	Kentucky Coffee Tree	D	40-50'	Shade
<i>Liriodendron tulipifera</i>	Tulip Tree	D	60-80'	Shade
<i>Magnolia loebneri</i>	Magnolia	D	12-15'	Ornamental
<i>Magnolia soulangiana</i>	Saucer Magnolia	D	15-20'	Ornamental
<i>Magnolia stellata</i>	Star Magnolia	D	10-15'	Ornamental
<i>Picea abies</i>	Norway Spruce	E	50-60'	Evergreen
<i>Picea glauca densata</i>	Black Hills Spruce	E	50-60'	Evergreen
<i>Picea pungens</i>	Colorado Spruce	E	60-75'	Evergreen
<i>Picea pungens</i> 'Glaucá'	Colorada Blue Spruce	E	60-75'	Evergreen
<i>Pinus nigra</i>	Austrian Pine	E	30-60'	Evergreen
<i>Pinus ponderosa</i>	Ponderosa Pine	E	40-50'	Evergreen
<i>Pinus strobus</i>	Eastern White Pine	E	50-100'	Evergreen
<i>Quercus alba</i>	White Oak	D	60-80'	Shade
<i>Quercus bicolor</i>	Swamp White Oak	D	40-50'	Shade
<i>Salix blanda</i>	Wisconsin Weeping Willow	D	40-50'	Shade
<i>Salix matsudana</i> 'Tortuosa'	Corkscrew Willow	D	25-30'	Ornamental
<i>Tsuga canadensis</i>	Canada Hemlock	E	60-75'	Evergreen

80.10.T-5: UPRIGHT SHRUBS APPROVED FOR SCREENING, HEDGES, AND SPECIMEN PLANTING

BOTANIC NAME	COMMON NAME	TYPE	HEIGHT
<i>Aronia melanocarpa</i>	BLACK CHOKEBERRY	D	4-6'
<i>Berberis thunbergii</i> Hybrids	Japanese Barberry	D	3-5'
<i>Buxus microphylla</i> 'Koreana'	Korean Boxwood	E	2-3'
<i>Caragana arborescens</i>	Siberian Peashrub	D	12-15'
<i>Chaenomeles species</i>	Flowering Quince	D	2-6'
<i>Cornus alba</i> 'Elegantissima'	Variegated Dogwood	D	6-10'

80.10.T-5: UPRIGHT SHRUBS APPROVED FOR SCREENING, HEDGES, AND SPECIMEN PLANTING

BOTANIC NAME	COMMON NAME	TYPE	HEIGHT
<i>Cornus alternifolia</i>	Pagoda Dogwood	D	15-20'
<i>Cornus sericea baileyi</i>	Redtwig Dogwood	D	8-10'
<i>Cotinus coggygrian</i>	Smoke Tree	D	8-10'
<i>Cotoneaster acutifolious</i>	Peking Cotoneaster	D	4-8'
<i>Cotoneaster divaricata</i>	Spreading Cotoneaster	D	5-6'
<i>Euonymus alatus</i>	Burning Bush	D	7-10'
<i>Euonymus fortunei</i>	Euononymous	E	4-6'
<i>Forsythia intermedia</i> Hybrids	Hybrid Forsythia	D	7-10'
<i>Forsythia suspensa</i>	Weeping Forsythia	D	8-10'
<i>Hamamelis virginiana</i>	Common Witch Hazel	D	10-15'
<i>Hibiscus syriacus</i>	Rose of Sharon	D	4-12'
<i>Hydrangea arborescens</i> 'Annabelle'	Annabelle Hydrangea	D	4-15'
<i>Hydrangea macrophylla</i> 'Nikko Blue'	Nikko blue Hydrangea	D	3-4'
<i>Hydrangea paniculata</i> 'Grandiflora'	Peegee Hydrangea	D	6-10'
<i>Ilex crenata</i>	Japanese Holly	E	3-5'
<i>Ilex meserveae</i>	Blue Holly	E	6-8'
<i>Ilex opaca</i>	American Holly	E	8-15'
<i>Juniperus chinensis</i>	Chinese Juniper	E	6-15'
<i>Juniperus scopulorum</i>	Rocky Mountain Juniper	E	6-15'
<i>Ligustrum amurense</i>	Amur Privet	D	4-8'
<i>Ligustrum 'Vicaryi'</i>	Golden Vicary Privet	D	4-12'
<i>Mahonia aquifolium</i>	Oregon Grape	E	3-6'
<i>Philadelphus coronarius</i>	Sweet Mockorange	D	8-10'
<i>Philadelphus virginialis</i>	Minnesota Snowflake	D	6-8'
<i>Physocarpus opulifolius</i> intermedius	Dwarf Ninebark	D	4-5'
<i>Picea glauca conica</i>	Dwarf Alberta Spruce	E	6-10'
<i>Prunus cistena</i>	Cistena Plum	D	6-8'
<i>Prunus glandulosa</i>	Dwarf Flowering Almond	D	4-6'
<i>Prunus triloba</i>	Flowering Almond	D	8-10'
<i>Rhamnus frangula</i>	Alder Buckthorn	D	12-15'
<i>Rhus aromatica</i>	Fragment Sumac	D	4-6'
<i>Rhus glabra</i>	Smooth Sumac	D	8-10'
<i>Rhus typhina</i>	Staghorn Sumac	D	8-12'
<i>Salix caprea</i>	French Pussy Willow	D	15-20'
<i>Sambucus canadensis</i>	American Elderberry	D	6-8'
<i>Shepherdia argentea</i>	Silver Buffaloberry	D	5-8'
<i>Sorbaria sorbifolia</i>	Flase Spiraea	D	6-8'
<i>Symphoricarpos alba</i>	White Snowberry	D	5-6'
<i>Syringa chinensis</i>	Chinese Lilac	D	6-8'

80.10.T-5: UPRIGHT SHRUBS APPROVED FOR SCREENING, HEDGES, AND SPECIMEN PLANTING

BOTANIC NAME	COMMON NAME	TYPE	HEIGHT
<i>Syringa hyacinthiflora</i> Hybrids	Hybrid Canadian Lilac	D	8-12'
<i>Syringa vulgaris</i>	Common Lilac	D	8-12'
<i>Syringa vulgaris</i> Hybrids	Hybrid French Lilac	D	8-12'
<i>Taxus cuspidata</i> 'Capitata'	Upright Japanese Yew	E	10-25'
<i>Taxus</i> 'Hicksi'	Hick's Yew	E	10-12'
<i>Thuja occidentalis</i> Hybrids	American Arbovitae	E	4-15'
<i>Viburnum dentatum</i>	Arrowwood Viburnum	D	10-15'
<i>Viburnum lantana</i>	Wayfaring Tree	D	8-15'
<i>Viburnum lantago</i>	Nannyberry	D	8-15'
<i>Viburnum opulus</i>	European Cranberry Bush	D	10-12'
<i>Viburnum placatum tomentosum</i>	Doublefile Viburnum	D	8-10'
<i>Viburnum prunifolium</i>	Black Haw Viburnum	D	10-12'
<i>Viburnum rhytidophyllum</i>	Leatherleaf Viburnum	D	6-15'
<i>Viburnum trilobum</i>	American Cranberry Bush	D	8-12'
<i>Weigela florida</i>	Flowering Weigela	D	4-5'
<i>Weigela vaniceki</i>	Cardinal Shrub	D	4-5'

80.10.T-6: SPREADING SHRUBS APPROVED FOR LOW BORDERS, PARKING LOT ISLANDS, AND GROUND COVERS

BOTANIC NAME	COMMON NAME	TYPE	HEIGHT
<i>Berberis mentorensis</i>	Mentor Barberry	E	3-4'
<i>Berberis thunbergii</i> Hybrids	Japanese Barberry	D	2-4'
<i>Berberis verruculosa</i>	Warty Barberry	E	2-3'
<i>Buxus sempervirens</i>	Boxwood	E	2-3'
<i>Cotoneaster apiculata</i>	Cranberry Cotoneaster	D	2-3'
<i>Cotoneaster horizontalis</i>	Rockspray Cotoneaster	D	1-3'
<i>Daphne burkwoodii</i>	Burkwood Daphne	D	3-4'
<i>Duetzia gracilis</i>	Slender Duetzia	D	2-3'
<i>Euonymus fortunei</i> 'Sarcoxie'	Sarcoxie Euonymus	E	3-4'
<i>Forsythia viridissima</i> 'Bronxensis'	Dwarf Forsythia	D	1-2'
<i>Hypericon patulum</i>	St. John's Wort	D	2-3'
<i>Juniperus</i> (spreading varieties)	Juniper	E	1-3'
<i>Mohonia aquifolium</i> 'Compacta'	Dwarf Oregon Grape	E	2'
<i>Microbiota decussata</i>	Siberian Cypress	E	1'
<i>Philadelphus virginialis</i>	Miniature Snowflake	D	2-3'
<i>Picea abies</i> 'Nidformis'	Birdnest Spruce	E	2'
<i>Picea abiew</i> 'Pumila'	Dwarf Norway Spruce	E	2-3'

80.10.T-6: SPREADING SHRUBS APPROVED FOR LOW BORDERS, PARKING LOT ISLANDS, AND GROUND COVERS

BOTANIC NAME	COMMON NAME	TYPE	HEIGHT
<i>Picea pungens</i> 'Globosa'	Blue Globe Spruce	E	3-4'
<i>Pinus mugo</i>	Mugho Pine	D	3-4'
<i>Potentilla fruticosa</i> Hybrids	Bush Cinqufoil	D	2-3'
<i>Rhus aromatica</i> 'Low Grow'	Low Grow Fragment Sumac	D	1-2'
<i>Ribes alpinum</i>	Alpine Currant	D	3-5'
<i>Spirea bumalda</i>	Spirea	D	2-3'
<i>Spirea japonica</i>	Japanese Spirea	D	2-3'
<i>Spirea nipponica</i>	Nippon Spirea	D	2-3'
<i>Symphoricarpos orbiculatus</i>	Coral Berry	D	3-4'
<i>Syringa patula</i> 'Miss Kim'	Dwarf Korean Lilac	D	3-5'
<i>Taxus cupidata</i> 'Nana'	Dwarf Japanese Yew	E	2-3'
<i>Taxus media</i>	Spreading Yew	E	2-4'
<i>Thuja occidentalis</i> 'Hetzil Midget'	Hetz Midget Arborvitae	E	2-3'
<i>Viburnum opulus</i> 'Nana'	European Cranberry Bush	D	1-2'

80.10.T-7: VINES FOR WALLS AND FENCES

BOTANIC NAME	COMMON NAME	TYP
<i>ARISTOLOCHIA DURIOR</i>	Dutchmans's Pipe	D
<i>Campsis radicans</i>	Trumpetvine	D
<i>Celastrus scandens</i>	American Bittersweet	D
<i>Clematis jackmanii</i>	Clematis Hybrids	D
<i>Clematis laguninos</i>	Clematis Hybrids	D
<i>Lonicera brownii</i>	Dropmore Scarlet Honeysuckle	D
<i>Lonicera hechrottie</i>	Everblooming Honeysuckle	D
<i>Parthenocissus quinquefolia</i>	Virginia Creeper	D
<i>Parthenocissus triscuspidata</i>	Boston Ivy	D

11. SOIL SURVEY, DRAINAGE, EROSION AND SEDIMENT CONTROL

TABLE OF CONTENTS

Section 80.11.01: Basic Requirements.....	175
Section 80.11.02: Applicability	175
Section 80.11.03: Compliance With 327-IAC-15-5.....	176
Section 80.11.04: Ingress and egress of property	176
Section 80.11.05: General Provisions.....	176
Section 80.11.06: Measures to Minimize Erosion and Sedimentation	177
Section 80.11.07: Grading for Drainage	177
Section 80.11.08: Drainage Right-of-Way	178
Section 80.11.09: Erosion Control Plan	179
Section 80.11.10: Responsibility of Applicant.....	179
Section 80.11.11: Compliance with Regulations and Procedures	180

SECTION 80.11.01: BASIC REQUIREMENTS

Before an Improvement Location Permit or a Certificate of Occupancy shall be issued, the Executive Director shall be satisfied that the proposed use meets the applicable criteria set forth herein for the lot or tract of land concerning types of soils involved, and the conditions which are requisite to assure proper execution of erosion and sediment control and proper drainage. The Executive Director shall be guided by the information set forth in the findings in the NATIONAL COOPERATIVE SOIL SURVEY prepared by the USDA Soil Conservation Service in cooperation with the Purdue Experiment Station and the applicable County Soil and Water Conservation District, and the specifications set forth herein. The Executive Director shall also be guided by advice from the USDA Soil Conservation Service, The Franklin County Surveyor, Indiana Department of Natural Resources - Division of Water, the Franklin County Drainage Board, and other agencies or officials offering technical assistance on the subjects of soils, drainage, erosion and sediment control. The applicant shall provide the above information, report, or plan with his application, and additional expense necessary to ensure adequate information, report, or plan shall be met by the applicant.

SECTION 80.11.02: APPLICABILITY

- A. No changes shall be made in the contour of the land; or grading, excavating, removal or destruction of the top soil, trees or other vegetative cover of the land shall be commenced until such time that a plan for minimizing erosion and sedimentation has been reviewed by the Executive Director and there has been a determination by the Executive Director that such plans are not necessary.
- B. No improvement location permit shall be approved unless:
 - 1. There has been a plan approved by the Executive Director that provides for drainage and minimizing erosion and sedimentation consistent with this Section, and an improvement bond or other acceptable securities are deposited

with the Board of County Commissioners or respective participating Town Board of Trustees, in the form of an escrow guarantee satisfactory for the planning which will ensure installation and completion of the required improvements; or

2. There has been a determination by the Executive Director that a plan for drainage and minimizing erosion and sedimentation is not necessary.
- C. Measures used to control erosion and reduce sedimentation and to provide drainage shall as a minimum meet the standards and specifications of the Franklin County Surveyor or respective participating Town Board of Trustees and the Franklin County Soil and Water Conservation District. The Executive Director shall ensure compliance with the appropriate specifications, copies of which are available from the Franklin County Soil and Water Conservation District or the Plan Commission Office.
- D. All measures involving erosion control practices shall be designed and installed under the guidance of a qualified professional experienced in erosion control.

SECTION 80.11.03: COMPLIANCE WITH 327-IAC-15-5

Where any construction activity results in clearing, grading, excavating, or other land disturbing activity on a tract of land greater than the minimum acreage set forth in 327-IAC-15-5, the regulations of that Act shall apply. Prior to the issuance of any applicable permits, the developer shall file with the Indiana Department of Environmental Management in accordance with the provisions of 327-IAC-15-5.

SECTION 80.11.04: INGRESS AND EGRESS OF PROPERTY

- A. The owner or person applying for a property Improvement Location Permit must obtain from the County Highway department a permit for a driveway entrance, which entails where a driveway entrance is to be located on the property and the size and length of the culvert required. Recommendations as to the location of the drive and the size and length of the culvert can and will be made by the Highway Department. The drive permit must be presented to the Executive Director upon application for an Improvement Location Permit
- B. If any grading or diverting of water is needed, it shall be done by grading or by installing a diversion ridge. The owner of the property will be in charge of installing the culvert properly, as directed by the Highway Department. The depth, length and size of the installed culvert shall be inspected by the Highway Department before any inspections are scheduled with the Planning and Building Department.
- C. A driveway shall not be placed within five (5) feet of a property line unless the driveway is shared by the adjoining owner.

SECTION 80.11.05: GENERAL PROVISIONS

- A. Whenever sedimentation is caused by stripping vegetation, regrading, or other development, it shall be the responsibility of the applicant, person, corporation or other entity causing such sedimentation to remove it from all adjoining surfaces, drainage systems and watercourses and to repair any damage at his expense as quickly as possible.

- B. Maintenance of all driveways, parking areas, drainage facilities and watercourses within any development plan area is the responsibility of the applicant, or owner developer.
- C. It is the responsibility of the applicant and any person, corporation, or other entity doing any act on or across a communal stream, watercourse, or swale or upon the flood plain or right-of-way during the tendency of the activity and to return it to its original or equal condition after such activity is completed.
- D. No applicant and person, corporation, or other entity shall block, impede the flow of, alter, construct any structure, or deposit any material or thing, or commit any act which will affect normal or flood flow in any communal stream or watercourse without having obtained prior approval from the Franklin County Surveyor or the respective participating Town Board of Trustees and the Indiana Department of Natural Resources, Division of Water, whichever is applicable.
- E. Where a development area is traversed by a watercourse, the total development of watercourse shall be considered. There shall be provided a drainage easement or right-of-way conforming substantially with the line of such watercourse, and of such width as will be adequate to preserve natural drainage to the satisfaction of the Executive Director.

SECTION 80.11.06: MEASURES TO MINIMIZE EROSION AND SEDIMENTATION

The following measures are effective in minimizing erosion and sedimentation and shall be included where applicable in the erosion control plan for all developments, regardless of size, unless determination is made by the Executive Director that such a plan is not necessary:

- A. Stripping of vegetation, regrading, or other development, shall be done in such a way that will minimize erosion.
- B. Development plans shall preserve salient natural features, keep cut-fill operations to a minimum, and ensure conformity with topography so as to create the least erosion potential and adequately handle the volume and velocity of surface water runoff.
- C. Whenever feasible, natural vegetation shall be retained, protected, and supplemented.
- D. The disturbed area and the duration of exposure shall be kept to a practical minimum.
- E. Disturbed soils shall be stabilized as quickly as practicable.
- F. Temporary vegetation and mulching shall be used to protect exposed critical areas during development.
- G. The permanent final vegetation and structural erosion control and drainage measures shall be installed as soon as practical in the development.
- H. Provisions shall be made to effectively accommodate the increased runoff caused by changed soil and surface conditions during and after development, Where necessary, the rate of surface water runoff will be structurally retarded.
- I. Sediment in the runoff water shall be trapped until the disturbed area is stabilized by the use of debris basins, sediment basins, silt traps, or similar measures.

SECTION 80.11.07: GRADING FOR DRAINAGE

In order to provide more suitable sites for building and other uses, improve surface drainage, and control erosion, the following requirements shall be met for all developments, regardless of size:

- A. The location, grading and placement of sub-grade (base) material of all driveway and parking areas shall be accomplished as the first work done on a development.
- B. All lots, tracts, or parcels shall be graded to provide proper drainage away from buildings and dispose of it without ponding, and all land within a development shall be graded to drain and dispose of surface water without ponding, except where approved by the Executive Director.
- C. All drainage provisions shall be of such design to adequately handle the surface runoff and carry it to the nearest suitable outlet such as a curbed street, storm drain, or natural watercourse. Where drainage swales are used to divert surface waters away from buildings, they shall be of such slope, shape and size as to conform with the requirements of the Franklin County Surveyor or respective participating Town Board of Trustees.
- D. Concentration of surface water runoff shall only be permitted in swales or watercourses.
- E. Excavations and Fills
 - 1. Cut and fill slopes shall not be steeper than 2:1 unless stabilized by a retaining wall or cribbing except as approved by the Executive Director when handled under special conditions.
 - 2. Provisions shall be made to prevent surface water from damaging the cut face of excavations or the sloping surfaces of fills, by installations of temporary or permanent drainage across or above these areas.
 - 3. Cut and fills shall not endanger adjoining property.
 - 4. Fill shall be placed and compacted so as to minimize sliding or erosion of the soil.
 - 5. Fills shall not encroach on natural watercourses or constructed channels.
 - 6. Fills placed adjacent to natural watercourses or constructed channels shall have suitable protection against erosion during periods of flooding.
 - 7. Grading will not be done in such a way so as to divert water on to the property of another land owner.
 - 8. During grading operations, necessary measures for dust control will be exercised.
 - 9. Grading equipment will not be allowed to ford cross live streams, and when necessary, Provision will be made for the installation of temporary or permanent culverts or bridges.

SECTION 80.11.08: DRAINAGE RIGHT-OF-WAY

- A. The Indiana Drainage Code Provisions specify that all regulated drains in the State of Indiana shall have a 75-foot right-of-way on either side of the centerline of any titled drain and from the top edge of each bank of an open ditch, as determined by

the County Surveyor. This right-of-way is for the use of the Franklin County Board of County Commissioners.

- B. The owners of land over which the drainage right-of-way runs may use the land in any manner consistent with the Indiana Drainage Code and the proper operation of the drain. Permanent structures may not be placed upon or over the right-of-way without the written consent of the Franklin County Board of Commissioners. Temporary structures may be placed upon or over the right-of-way without written consent of the Board of Commissioners but shall be removed immediately by the owner when so ordered by the Board of Commissioners or an authorized representative of the Board.

SECTION 80.11.09: EROSION CONTROL PLAN

Where required by this Ordinance, the erosion control plan shall consist of the following information:

A. EXISTING SITE MAP SHOWING THE FOLLOWING:

1. Site boundaries and adjacent land adequate to convey the site location.
2. Lakes, streams, channels, ditches, wetlands, and other water courses on and adjacent to the site.
3. One hundred (100) year floodplains, floodway fringes, and floodways.
4. Location of the predominant soil types which may be determined by the United States Department of Agriculture, NRCS County Soil Survey, or an equivalent publication, or as determined by a certified professional soil scientist.
5. Location and delineation of vegetative cover such as grass, weeds, brush, and trees.
6. Location and approximate dimensions of utilities, structures, roads, highways, and paving.
7. Site topography, both existing and planned, at a contour interval appropriate to indicate drainage patterns.
8. Potential areas where point source discharges of storm water may enter ground water, if any.

B. PLAN OF FINAL SITE CONDITIONS

C. SITE CONSTRUCTION PLAN, INCLUDING BUT NOT LIMITED TO THE FOLLOWING:

1. Locations and approximate dimensions of all proposed land disturbing activities.
2. Potential locations of soil stockpiles.
3. Locations and approximate dimensions of all erosion control measures necessary to meet the requirements of this Section.
4. Provisions, including a schedule, for maintenance of the erosion control measures during construction.
5. The location of existing vegetation which is to remain on the site.

SECTION 80.11.10: RESPONSIBILITY OF APPLICANT

- A. Each applicant, person, corporation, or other entity which makes any surface changes shall be required to:
 - 1. Collect on-site surface runoff and dispose of it to the point of discharge into an adequate outlet approved by the Executive Director.
 - 2. Handle existing and potential off-site runoff through its development by designing to adequately handle storm runoff from a fully developed area upstream.
 - 3. Pay its proportionate share of the total cost of off-site improvements to the common natural watercourse based on a fully developed drainage.
 - 4. Provide and install at its expense, in accordance with the Executive Director's requirements, all drainage and erosion control improvements (temporary and permanent) as required by the Erosion and Sediment Control Plan.
- B. It is the responsibility of the applicant or owner to keep all major streams, not under the jurisdiction of other official agency, open and free flowing.
- C. The applicant or owner shall assume the responsibility for maintaining an open and free-flowing condition in all minor streams, watercourse and drainage systems, constructed or improved in accordance with the criteria of the Franklin County Surveyor or the respective participating Town Board of Trustees on its property, which are necessary for proper drainage in the discretion of the Executive Director if adequate right-of-way exists or can be acquired.

SECTION 80.11.11: COMPLIANCE WITH REGULATIONS AND PROCEDURES

- A. The design, installation, and maintenance of the required drainage facilities and erosion and sediment control measures shall be in accordance with the following standards and specifications on file in the office of the County Soil and Water Conservation District and the Plan Commission Office.

“URBAN SOIL AND WATER CONSERVATION GUIDELINES, SPECIFICATION NO. 1”

Adopted by the Franklin County Soil and Water Conservation District, Brookville, Indiana.
- B. The approval of plans and specifications for the control of erosion and sedimentation shall be concurrent with the approval of the development, and become a part thereof.
- C. Permission for clearing and grading prior to the approval of the development plan may be obtained under temporary easements or other conditions satisfactory to the Executive Director.
- D. In the event the applicant or developer proceeds to clear and grade prior to the approval of the development plan, without satisfying conditions specified under paragraph (2) above, the Board may revoke the approval of all plans.

12. ADMINISTRATION & ENFORCEMENT

TABLE OF CONTENTS

Section 80.12.01: Authority of Plan Commission, Board of Zoning Appeals and Staff.....	181
Section 80.12.02: Administration.....	181
Section 80.12.03: Administrative Procedures.....	182
Section 80.12.04: Rules of Procedure.....	148
Section 80.12.05: Site Plans	193
Section 80.12.06: Development Plan Requirements.....	193
Section 80.12.07: Improvement Location Permits	197
Section 80.12.08: Certificate of Occupancy.....	200
Section 80.12.09: Amendments: Map Changes and Text Changes	201
Section 80.12.10: Filing Fees And Forms	203

SECTION 80.12.01: AUTHORITY OF PLAN COMMISSION, BOARD OF ZONING APPEALS AND STAFF

The Plan Commission, Board of Zoning Appeals, and staff shall have the following authority, respectively:

- A. The Plan Commission is hereby authorized to perform those duties and functions specified in IC 36-7-4-400 et seq. and other applicable sections of Indiana law and such other responsibilities as may be assigned to it from time to time by the County Commissioners. The Commission shall adopt written rules of procedure for the administration of the affairs of the commission and its staff for investigations and hearings.
- B. The Board of Zoning Appeals is hereby authorized to perform those duties and functions specified in IC 36-7-4-900 et seq. and other applicable sections of Indiana law. The Board shall adopt written rules of procedure pertaining to the administration of this Code and the conduct of hearings.
- C. The staff is hereby authorized to perform those duties specified by IC 36-7-4-700 et seq. and other such duties as may be assigned to it from time to time by the Plan Commission, Board of Zoning Appeals, or County Commissioners.

SECTION 80.12.02: ADMINISTRATION

A. DESIGNATION AND RESPONSIBILITIES OF THE EXECUTIVE DIRECTOR.

1. The official assigned to administer and enforce the provisions of this chapter is hereby designated the Executive Director. He shall be appointed in accordance with the provisions of I.C. 36-7-4-311(b). The authority to perform inspections, review applications, and issue permits may be delegated to such other officials as authorized by the Executive Director. In the performance of these functions the Executive Director and such other officials shall be responsible to the Plan Commission and the Board of Zoning Appeals for matters pertaining to Planning and Zoning.

2. If the Executive Director shall find that any of the provisions of this chapter are being violated, he shall notify in writing the person responsible for the violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of the illegal use of land, buildings or structural changes, discontinuance of any illegal work being done; or shall take any other action authorized by law to insure compliance with or to prevent violations of the provisions of this chapter.
3. It is the intent of this chapter that all questions of interpretation of provisions of this chapter be first presented to the Executive Director.

B. APPEALING A DECISION OF THE EXECUTIVE DIRECTOR

Recourse from the decision of the Executive Director on matters pertaining to zoning shall be only to the Board of Zoning Appeals, and recourse from the decision of the Board shall be to the courts as provided by law.

C. BASIC DUTIES OF THE EXECUTIVE DIRECTOR

1. In the name of the Plan Commission and the Board of Zoning Appeals, issue improvement location permits and certificates of occupancy and maintain records thereof.
2. Conduct inspections of buildings, structures, and use of land to determine compliance with the terms of this chapter, and report the findings and violations to the Plan Commission and Board of Zoning Appeals for the purpose of ordering compliance thereof.
3. Provide interpretation of the Comprehensive Plan, Thoroughfare Plan, Subdivision Control Ordinance, and the Area Zoning Code when necessary and provide such technical and clerical assistance as the Plan Commission and Board of Zoning Appeals may require.
4. Provide and maintain a public information service relative to all matters arising out of the Comprehensive Plan, Thoroughfare Plan, Subdivision Control Ordinance, and the Area Zoning Code.
5. Maintain permanent and current records of the Comprehensive Plan, Thoroughfare Plan, Subdivision Control Ordinance, and the Area Zoning Code, including but not limited to, all maps, amendments, improvement location permits, certificates of occupancy, variances, special exceptions, and appeals, and applications therefore, and records of hearings thereon.
6. The Executive Director, during his review of improvement location permits and building permits, shall assure that all national flood insurance program regulations pertaining to state and Federal permits, subdivision review, mobile home tie-down standards, utility construction, record keeping (including lowest floor elevations), and water course alteration and maintenance have been met.

SECTION 80.12.03: ADMINISTRATIVE PROCEDURES

A. RULES OF PROCEDURE

The Plan Commission and the Board of Zoning Appeals shall adopt rules of procedure concerning the filing of petitions and/or appeals, giving of notice, conduct of hearings, and such other matters as may be necessary for the administration of their affairs.

B. MEETINGS

1. The Plan Commission and Board of Zoning Appeals shall hold regular meetings and public hearings, which shall be open to the public and scheduled at such time and place as shall be established by their respective rules of procedure. Public hearings shall be held on all petitions, appeals, special exceptions or other matters arising from this Code and a record of such proceedings shall be preserved thereon as public records.
2. The hearings of the Plan Commission and the Board of Zoning Appeals shall be made public. However, the Plan Commission or Board of Zoning Appeals may go into executive session for discussion, but not to vote on any case before it.
3. Any person may appear and testify at a hearing either in person or by duly authorized agent or attorney.
4. Notice of the time and place of the Plan Commission and Board of Zoning Appeals public hearing shall be published as set forth in the Commission and Board's respective rules of procedure.

C. PETITIONS

All applications shall be filed with the Zoning Administrator, and due notice shall be given to all adjacent land owners in accordance with the rules of procedure of the Plan Commission and the Board of Zoning Appeals.

SECTION 80.12.04: RULES OF PROCEDURE

A. QUORUM

A majority of the entire membership of the Commission shall constitute a quorum. No action is official unless authorized by a majority of the entire membership of the Commission at a regular or properly called special meeting or no recommendation.

B. REGULAR MEETINGS

Regular meetings of the Commission shall be held on the second Wednesday of each month at 7:00 p.m. in the Franklin County Government Center, Brookville, IN 47012

C. SPECIAL MEETINGS

Special meetings may be called at any time by the President or by any two members upon written request to the secretary, who shall notify all of the members of such special meeting by written or verbal notice, provided that the time of a special meeting may be fixed at a regular meeting or at any special meeting duly called. Any meeting called must be in accordance with open door law IC. 5-14-1.5-2.

D. MEETINGS ARE PUBLIC

All meetings shall be open to the public.

E. OFFICERS

1. The Commission will at the first meeting in January of each year after new members have been appointed and qualified, elect a president and vice-president to serve until the next election of officers or until their terms expire, should they expire before such election.
2. The president shall preside at all meetings, except that in the event of his absence or disability, the vice-president shall preside. The president, subject to these Rules, shall decide all points of procedure unless otherwise directed by a majority of the members of the Commission. In the absence of both, president and vice-president the Commission shall elect one of its members to preside.
3. The Commission may appoint a secretary (who is not required to be a member of the Commission) and such employees as are necessary for the discharge of its duties. The secretary shall attend the meetings and make a complete record of the transactions of the Commission, including verbatim reports of such parts as may be directed, and shall prepare, after the meeting and at least two weeks prior to the next meeting, an abstract of the minutes of the previous meetings, together with the calendar of cases to be called at the next meeting.

F. EXECUTIVE DIRECTOR

The commission shall appoint an executive director for the planning department and fix the director's compensation. To be qualified for the position, the executive director must have training and experience in the field of planning and zoning. The commission may not give any consideration to political affiliation in the appointment of the executive director.

G. DUTIES OF THE EXECUTIVE DIRECTOR

Under the direction of the commission, the executive director shall:

1. Propose annually a plan for the operation of the planning department;
2. Administer the plan as approved by the commission;
3. Supervise the general administration of the planning department;
4. Keep the records of the planning department and be responsible for the custody and preservation of all papers and documents of the planning department;
5. Subject to the approval of the commission, appoint and remove the employees of the planning department, according to the standards and qualifications fixed by the commission and without regard to political affiliation;
6. Prepare and present to the commission an annual report; and
7. Perform such other duties as the commission may direct; and
8. Perform the duties of administratively enforcing the zoning ordinance any other ordinances adopted by the Commission pursuant to I.C. 36-7-4 and currently in effect.

9. The Executive Director shall report at each meeting on all transactions that have not otherwise come to the attention of the Commission Director. In the absence of the Executive Director, the secretary shall do the duties of the Executive Director.
10. The Executive Director may request members of the Commission to make personal inspection when necessary from time to time, and the Executive Director or his designated representative shall demand from the applicant such additional information and data as may be required to fully advise the Commission with reference to the application, whether such information and data is called for by the official forms or not. Any failure or refusal in the part of the applicant to furnish such additional information or data shall be grounds for dismissal of the application by the Commission.

H. DECISIONS OF THE EXECUTIVE DIRECTOR

In each instance where the Executive Director may deny the application for a building permit or improvement location permit because the use of the land or building intended to be erected or remodeled shall not comply with the requirements and regulations of an ordinance which is a part of the comprehensive plan of the Commission, such as the subdivision control ordinance and thoroughfare plan ordinance, Comprehensive Plan Ordinance and Public Facilities Plan or other such ordinance – other than the zoning ordinance -, and in every instance where said Executive Director shall require the discontinuance of the use of land or building operations under a permit theretofore granted because the rules and requirements of said ordinance are not be complied with, and in every instance where said Executive Director shall be required to make a decision or determination or order, other than the granting of a permit he shall cause the same to be reduced to writing and a copy thereof shall be given to the person to whom said order or requirement is issued or said application denied, and said Executive Director shall keep in his office a copy of all such orders, decisions, determinations, and requirements made by him.

I. PLEADINGS BEFORE THE COMMISSION

1. Every application for the variance or modification of the rules, regulations or restrictions provided by an ordinance which is a part of the Comprehensive Plan of the Commission, such as the Subdivision Control Ordinance, Thoroughfare Plan Ordinance, Comprehensive Plan Ordinance and Public Facilities Plan or other such ordinance – other than the Zoning Ordinance – and every appeal from the decision of any officer charged with the administration of any such ordinance, shall be made to the Commission in duplicate on the forms provided by said Commission, and shall include the data required in such forms, so as to supply all the information necessary for a clean understanding and intelligent action by the Commission. (Action in each case must necessarily be based largely upon the information so furnished). The Executive Director will be guided by the order of the Commission, and before granting a permit or taking any other affirmative action, shall see that there are no misstatements as to facts and that the conditions of the order are observed. Any administrative officers who may discover any misstatement or essential information concerning a case pending before the Commission or in which the Commission has made an order is requested to notify the Commission. All orders or approvals remain valid only so long as the information and the conditions on which approval was based are maintained.
2. Any communication purporting to be an application, appeal or petition shall be regarded as a mere notice of intention to seek relief until it is made in the form required by this Commission. Upon receipt of any such communications, the writer shall be supplied with the proper forms

for presenting his application, appeal or petition, and if he fails to supply the required data within fifteen (15) days, his case may be dismissed for lack of prosecution.

J. CONFLICT ON INTERESTS

A member of the Commission may not participate in a hearing or decision of the Commission concerning a zoning matter in which he has a direct or indirect financial interest. The Commission shall enter in its records the fact its member has such a disqualification. "Zoning matter" does not include the preparation or adoption of a comprehensive plan. (See I.C. 36-7-223)

K. MINUTES AND RECORDS

The Commission shall keep minutes of its proceedings showing the vote of each member on every question, or if absent or failing to vote indicating such fact. The Commission shall keep records of all other official action, and all minutes and records shall be filed in the office of the Commission and shall be a public record. The Commission shall in all cases heard by it make written findings of fact.

L. BASIC DUTIES OF THE COMMISSION

The Commission shall:

1. Supervise, and make rules for, the administration of the affairs of the Planning Department;
2. Prescribe uniform rules pertaining to investigations and hearings;
3. Keep a complete record of all the Commission proceedings;
4. Record and file all bonds and contracts and assume responsibility for the custody and preservation of all papers and documents of the Planning Department;
5. Prepare, publish, and distribute reports, ordinances, and other material relating to the activities authorized under the Area Planning law;
6. Adopt a seal; and
7. Certify to all official acts.
8. Supervise the fiscal affairs of the Planning Department; and
9. Prepare and submit an annual budget in the same manner as other departments of county government, and be limited in all expenditures to the provisions made for the expenditures by the County Council.
10. Make recommendations to the Legislative Bodies concerning:
 - (a) the adoption of the comprehensive plan, ordinance, and amendments; and
 - (b) any other matter, within the jurisdiction of the commission, authorized by the area planning law; and

11. Render decisions concerning and approve:

- (a) plats or replats of subdivisions; and
- (b) development plans for residential, commercial, and industrial uses.

12. Exercise the thoroughfare planning powers conferred by I.C. 36-7-5.

M. APPEALS

1. An appeal from any order, requirement, decision or determination made by the Executive Director or other official in the enforcement of an ordinance which is a part of the Comprehensive Plan of the Commission, such as the Subdivision Control Ordinance and Thoroughfare Plan Ordinance or other such ordinance -other than the Zoning Ordinance – will be reviewed by the Appeals Board.
2. An appeal from any order, requirement, decision, or determination made by an administrative Board or other body except the Board of Zoning Appeals, in relation to the enforcement of such ordinance will be reviewed by the Board of Zoning Appeals.
3. The appeal shall be filed with the Planning Commission Staff within fifteen (15) days after the decision of the Executive Director or other official upon receipt of the appeal. The Executive Director shall transmit the application for the appeal to the Board of Zoning Appeals, and the Planning Commission staff shall set a date for the hearing at the next regular meeting unless a special meeting is called for this purpose.

N. REQUEST FOR VARIANCES AND MODIFICATIONS

Requests for modifications, for variances, interpretations or other matters will be considered by the Board of Zoning Appeals concerning ordinances within their jurisdiction as outlined above. Upon receipt of the request the Executive Director shall transmit the application for the request to the Board of Zoning Appeals, and the Plan Commission Staff shall set a date for the hearing which will be heard at the next regular meeting unless a special meeting is called for this purpose.

O. VARAINCES FROM DEVELOPMENT STANDARDS

The Board of Zoning Appeals shall approve or deny variances from the development standards of an ordinance which is a part of the Comprehensive Plan of the Commission, such as the Subdivision Control Ordinance and Thoroughfare Plan Ordinance or other such ordinance – other than the Zoning Ordinance. A variance may be approved under this section only upon a determination in writing that:

- (1) the approval will not be injurious to public health, safety, morals, and general welfare of the community;
- (2) the use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and
- (3) the strict application of the terms of the applicable ordinance will result in practical difficulties in the use of the property.

P. DECISIONS OF THE COMMISSION AND BOARD OF ZONING APPEALS

1. The Board of Zoning Appeals shall make a decision on any matter concerning an appeal, request, exception or modification that it is required to hear under the applicable ordinance either:
 - (a) at the meeting at which that matter is first presented; or
 - (b) at the conclusion of the hearing on that matter, if it is continued.
2. Within five (5) days after making such decision the Board of Zoning Appeals shall file in the office of the Commission a copy of its decision.
3. Every decision of said Board of Zoning Appeals on any case shall be in the form of a motion; either reversing or modifying the order, requirement, decision or determination appealed from the granting the application or appeals, or affirming the order and denying the application, or appeal, or, in the case of amendments, recommending the approval or denial of the petition. The concurring vote of five (5) members shall be necessary to a decision by the Board of Zoning Appeals. If a motion fails to receive five (5) votes in favor of the applicant, appellant or petitioner, the case shall be automatically heard again at the next meeting without additional notice.
4. See “Final Disposition of Petitions, Subdivisions and other Cases” for Procedure concerning amendments.

Q. NOTICE

1. Public notice of the times and places of hearings in accordance with I.C. 5-14-1.5-5 and I.C. and due notice to interested parties shall be given at least ten (10) days before the date set for the hearing.
2. The party making the petition or taking the appeal, or applying for primary approval of a plat of a subdivision, or applying for a variance, shall be required to assume the cost of public notice and due notice to interested parties.
3. At the hearing, each party may appear in person, by agent, or by attorney. Other persons may appear and present relevant evidence.
4. The secretary or Executive Director shall cause the notice to be published at least ten (10) days prior to the date set for the hearing, and proof of publication must be made by an affidavit of the publisher and attached to a copy of the notice taken from the paper (s) in which it was published and filed with the secretary or Executive Director before the hearing. Such affidavit must specify the county, the time when, and the paper in which the notice was published.
5. For all applications for petitions for rezonings or amendments to the comprehensive plan and ordinances, and for all applications for primary approval of a plat of a subdivision, and for all appeals or requests, other than interpretations of the text of applicable ordinances other than the Zoning Ordinance, the petitioner, appellant, or requestor shall notify all abutting and adjoining legal land owners whose property is located within one hundred and fifty (150) feet of the subject property by certified mail with return receipts

at least ten (10) days before the date of hearing. A copy of the notice published in the newspaper shall be adequate for the personal notice. The return receipts shall be filed with the secretary before the hearing.

6. The secretary may vary the requirements for personal notification (other than the required time period) if in his or her judgment a departure from the rules above is justified and the intent of those rules is observed.
7. A person may not communicate with any member of the Commission or Appeals Board before the hearing with intent to influence the member's action on a matter pending before the Commission or Appeals Board.
8. The Commission or Appeals Board may require any party adverse to any pending petition to enter a written appearance specifying the party's name and address. If the written appearance is entered more than four (4) days before the hearing, the Commission or Appeals board may also require the petitioner to furnish each adverse party with a copy of the petition and a plat plan of the property involved.

R. HEARING

1. The Commission shall hear the petition for amendment to the applicable ordinance and the Commission or Appeals Board shall hear the applicable appeal or request at a time and place specified in the notice, unless for good cause the Commission decides to continue the hearing to another time or date.
2. At the hearing, the applicant, appellant or petitioner shall appear in person or by agent or attorney, and property owners affected by the application, appeal or petition may appear either in person or by agent or attorney and present any verbal or typewritten statements or objections that they may have to the granting the application, appeal or petition.
3. At a hearing, the order shall be as follows:
 - (a) Applicant's side of the case (not more than ten (10) minutes duration).
 - (b) Interested property owner's side of the case; first, those in favor of the appeals or application, and, second, those opposed (not more than ten (10) minutes duration for each side).
 - (c) Applicant's rebuttal (not more than five (5) minutes duration).
 - (d) Interested property owner's rebuttal (not more than five (5) minutes duration of each side.)
4. Unless a side is represented by the property owner(s) of the property or by an attorney or attorneys, agent or spokesman, the time allotted shall be divided by the Commission evenly as possible among those desiring to be heard.
5. The Commission will not condone repetitious testimony, personal accusations or threats and continued references to irrelevant subjects.

6. The Commission may cause the expulsion of any person whose conduct is not courteous and orderly, provided that such person has been admonished at least once by the Commission.

S. FINAL DISPOSITION OF PETITIONS, SUBDIVISIONS AND OTHER CASES

1. PETITION FOR AMENDMENT OR REPEAL: Amendment or repeal of the zoning ordinance (or other ordinances which are a part of the comprehensive plan) is considered an amendment to the comprehensive plan and, accordingly, a petition for a change will cause the proposed ordinance for amendment or repeal to be heard by the Commission.
 - (a) Within thirty (30) days after the hearing on the proposed ordinance for amendment or repeal of the zoning ordinance, the secretary of the Commission shall provide to participating legislative body a written report that indicates the recommendations of the commission concerning the proposed ordinance. Within ninety (90) days after receiving the report of the commission concerning the proposed ordinance, any participating legislative bodies shall vote on the proposed ordinance, without further amendment. If the proposed zoning ordinance or an ordinance for its amendment or repeal is adopted by one (1) but not all of the participating legislative bodies, it has effect within the jurisdiction of the legislative body that adopted it. The fact that the ordinance was based on a comprehensive plan developed for a larger territorial area does not affect its validity.
2. APPLICATION FOR PRIMARY APPROVAL OF A PLAT: Upon receipt of an application for primary approval of a plat of a subdivision, the Commission staff shall review the application for technical conformity with the standards fixed in the subdivision control ordinance. Within thirty (30) days after receipt, the staff shall announce the date for a hearing before the plan commission and provide for notice in accordance with these rules.
 - (a) If, after the hearing, the Commission determines that the application and plat comply with the standards in the subdivision control ordinance, it shall make written findings and a decision granting primary approval to the plat. This decision must be signed by the President of the Commission.
 - (b) If, after the hearing, the Commission disapproves the plat, it shall make written findings that set forth its reasons and a decision denying primary approval and shall provide the applicant with a copy. This decision must be signed by the President of the Commission.
3. SECONDARY APPROVAL OF A PLAT: A plat of a subdivision may not be filed with the auditor, and the recorder may not record it, unless it has been granted secondary approval and signed and certified by the President of the Commission. The filing and recording of the plat is without legal effect unless approved by the Commission. No notice or hearing is required, and the provisions of the area planning law concerning notice and hearing do not apply to secondary approvals.
4. APPEALS: The final disposition of any appeal before the Appeals Board shall be in the form of an order either revising or modifying the requirement, order, decision or determination appealed from the granting the appeal, or affirming the order and denying the appeal. The Appeals Board may dismiss an appeal for want of prosecution or for lack of jurisdiction.

5. REQUESTS: The final disposition of any request for a variance exception, shall be in the form of an order to the Executive Director or apply the variance or exception which is the subject of the application, or in the case of an interpretation of the applicable ordinance, an order to the Executive Director to provide the requestor with a written statement of the Appeals Board's findings.
6. All decisions of the Commission, on matters heard in public hearing, shall be a record vote. The vote of each member shall be a matter of permanent record.
7. A case may not be withdrawn by the Petitioner, appellant or requestor after the vote has been ordered by the President.
8. Whenever the Commission or Appeals Board hears any matter, appeal or notice of intention or acts thereon, it shall thereby waive any requirement as to the form of appeal and date required except insofar as the Plan Commission Staff shall otherwise designation at such time.

T. RECONSIDERATION

1. No application, appeals or petition dismissed, denied or affirmed can be considered again by the Commission or Appeals Board except:
 - (a) on a motion to reconsider the vote, made by a member at the meeting at which such action is taken or at a subsequent meeting of the Commission, made and acted upon within ten (10) days after its decision, or prior to any certification of a plan or ordinance to the Legislative Body – whichever is sooner.

U. PRECEDENTS

No action of the Commission or Appeals Board shall set a precedent. Each case shall be decided upon its merits and upon the circumstances attendant thereto.

V. REMEDIES

1. A decision of the Commission under the 700 Series of the Area Planning Law may be reviewed by certiorari procedure the same as the providing for the appeal of zoning cases from the decision of the Franklin County Area Board of Zoning Appeals. (See I.C. 36-7-4-1016.) When an appeal from the decision of an official or board has been filed with the Commission, proceedings and work on the premises affected shall be stayed unless the official or Commission certifies to the Commission that, by reason of the facts stated in the certificate, a stay would cause imminent peril to life or property. In that case, proceedings or work may not be stayed except by a restraining order. (See I.C. 36-7-4-1001 and 1002).
2. Each decision of the Commission is subject to the review by certiorari. The person aggrieved shall present the petition to the circuit court of Franklin County within thirty (30) days after the date of that decision of the Commission. (See I.C. 36-7-4-1003).

W. DOCKETING CASES

2. When an application for an amendment, primary approval of a plat a subdivision, variance, exception, modification, or an appeal form the decision or requirement of the Executive

Director shall be filed concerning an ordinance which is a part of the comprehensive plan other than the zoning ordinance, and all the data required on the form furnished by the Commission for that purpose, shall have been filed, said case shall be docketed by the secretary of the Commission and given a docket number, which said numbers shall run consecutively, and when so filed and docketed by the secretary of the Commission and given a docket number, which said numbers shall run consecutively, and when so filed and docketed, such cases shall come before the Commission for its consideration in regular order.

3. As soon as a case receives a docket number, it shall be put on the calendar and the applicant, appellant or petitioner shall be notified of the date when this case will be reached in the call of the calendar.
3. The calendar shall be called at each regular, or duly called special meeting for such purpose, and a date for public hearing on each case shall be sent by the Commission and the applicant shall be notified accordingly.

X. ORDER OF BUSINESS AT REGULAR MEETINGS

The order of business at all regular meetings of the Commission shall be as follows:

1. Roll Call
2. Reading of minutes of previous meeting
3. Communications
4. Report of Committee or Consultant
5. Hearings
6. Unfinished Business
7. New Business
8. Adjournment

Y. RULES MADE AVAILABLE

Rules adopted by the Commission shall be printed and made available to all applicants and other interested persons. Copies may be obtained from the Executive Director or the Secretary of the Commission in the Office of the Area Commission at the Franklin County Government Center, Brookville, IN 47012

Z. AMENDMENTS

Amendments to these Rules of Procedure may be made by the Commission at any regular or special meeting upon the affirmative vote of five (5) members. The suspension of any rule of procedure may be ordered at any meeting by unanimous vote of those present. These Rules of Procedure of the Commission are hereby approved by the affirmative vote of all of the following members of said

Commission at the regular meeting of the Commission held on the _____day of _____ 20 ____.

SECTION 80.12.05: SITE PLANS

1. Where required by this Code, site plans shall be drawn to scale and shall show the following items:
 - a. scale and point north
 - b. the proposed name of the development;
 - c. the name and address of developers;
 - d. the location by public way, township, and section;
 - e. the legal description;
 - f. lot number and area in square feet;
 - g. actual shape and dimensions of the lot to be built upon;
 - h. front, side and rear yard lines and their distance from the street or Lot Line;
 - i. the contours with spot elevations of the finished grade and the directions of storm runoff;
 - j. location, size, capacity, and use of all buildings and structures existing or to be placed in the development, including the number of families or housekeeping units the building is designed to accommodate, when applicable;
 - k. the nature and intensity of the operations involved in or conducted in connection with the development;
 - l. the site layout of the development including the location, size, arrangement and capacity of area to be used for vehicular access, parking, loading, and unloading;
 - m. width and length of all entrances and exits to and from said real estate.
 - n. the name of public ways giving access to the development and location, width, and names of platted public ways, railroads, parks, utility easements, and other public open spaces;
 - o. the layout of proposed public ways, their names and widths, and the widths of alleys, walkways, paths, lanes, and easements;
 - p. a description of the use of adjacent property and an identification of that property;
 - q. A landscaping plan meeting the requirements of Section 80.10.01[D]; and the proposals for sewer, water, gas, electricity, and storm drainage.

Site plans so furnished shall be filed and shall become a permanent record.

SECTION 80.12.06: DEVELOPMENT PLAN REQUIREMENTS

A. AUTHORITY OF THE PLAN COMMISSION TO REVIEW DEVELOPMENT PLANS

The Franklin County Area Plan Commission is hereby authorized to review and make findings on all development plans that are required by this Ordinance.

B. DEVELOPMENT PLANS REQUIRED

Development plan approval shall be required for those projects as listed below. Improvement Location Permits and Building Permits shall not be issued until the conditions and requirements of this ordinance have been met. Development Plans shall be provided for:

1. All uses within the PB District which are permitted by right
2. All uses within the I-1 District which are permitted by right
3. All uses within the I-2 District which are permitted by right
4. All Special Exceptions, following approval by the Board of Zoning Appeals
5. The following uses, regardless of the district in which they are located:
 - a. Mobile Home Parks
 - b. Recreational Vehicle Parks and Campgrounds
 - c. Shopping Centers
 - d. Wireless Communication Facilities (new sitings)

C. APPLICATION

All applications for development plan review shall be made on application forms prescribed by the Plan Commission. The applicant shall submit the application and development plan drawings at least thirty (30) days prior to the next Commission meeting.

D. CONTENTS OF DEVELOPMENT PLANS

All development plans shall be submitted under the seal and signature of a Professional Engineer or Registered Land Surveyor licensed to practice in the State of Indiana. Development plans shall include the following:

1. Full legal description with sufficient reference to section corners and boundary map of the subject project, including appropriate benchmark references;
2. Name of the Project;
3. Name and address of the owner, developer, and person who prepared the plans;
4. Total acreage within the project and the number of residential dwelling units or the gross square footage of non-residential buildings whichever is applicable;
5. Existing zoning of the subject land and all adjacent lands;
6. Boundary lines of adjacent tracts of land, showing owners of record;
7. A key or vicinity map at a scale of one inch equals four hundred feet or less, showing the boundaries of the proposed project and covering the general area within which it is to be located;
8. A statement of the proposed uses, stating the type and size of residential and non-residential buildings, and the type of business, commercial or industry, so as to reveal the effect of the project on traffic, fire hazards, or congestion of population;

9. Existing contours with intervals of not more than five (5) feet where the slope is greater than ten percent (10%) and not more than two (2) feet where the slope is less than ten percent (10%);
10. The water elevation of lakes, streams, or designated wetlands within the project
11. The contour line of the regulatory flood (100-year flood) elevation and the contour line for the floodway fringe and floodway boundary;
12. Location, widths, and type of construction of all existing and proposed streets, street names, alleys, or other public ways and easements, railroad and utility rights-of-way or easements, watercourses, drainage ditches, designated wetlands, low areas subject to flooding, permanent buildings, bridges, and other data considered pertinent by the commission or the administrator for the subject land;
13. Existing and proposed water mains, fire hydrants, storm sewers, sanitary sewers, culverts, bridges, and other utility structures or facilities within, adjacent to, or serving the subject land, including pipe sizes, grades, and exact locations, as can best be obtained from public or private records;
14. Building setback lines, showing dimensions;
15. Full description and details, for provision of storm water drainage plans and facilities (the standard for drainage detention is that the run-off rate of a 100-year post-development event cannot exceed the rate for a 10-year pre-development event);
16. Internal and perimeter sidewalk system/pedestrian circulation plan;
17. The location and detail plans for all trash dumpsters;
18. A landscape plan prepared to the standards specified in this Section 80.10.01[D] of this Ordinance; and
19. A sign plan prepared to the standards specified in Section 80.09.14[B][3] of this Ordinance.

E. RE-SUBMITTAL OF PLANS

When required due to changes requested as part of the approval process, the petitioner shall submit five (5) complete sets of the final, revised plans showing conditions required by the Plan Commission. Final revised plans shall be submitted at least ten working days prior to issuance of applicable permits.

F. REJECTION STATEMENT

The Executive Director may reject any submittal for the following reasons:

1. Incomplete application;
2. The drawing set or supporting documents not complete; or
3. Poor legibility.

G. WAIVERS: CONDITIONS AND PROCEDURE

1. The Commission may, in its discretion, authorize and approve waivers from the requirements and standards of these regulations upon finding that:
Practical difficulties have been demonstrated;

- a. The requested waivers would not, in any way, contravene the provisions of the Franklin County Area Subdivision Control Ordinance, the Comprehensive Plan, or the Official Zone Map of the County;
 - b. Granting the waiver would not be detrimental to the public health, safety, or welfare and would not adversely affect the delivery of governmental services (e.g., water, sewer, fire protection, etc.);
 - c. Granting the waiver would neither substantially alter the essential character of the neighborhood nor result in substantial injury to other nearby properties;
 - d. The conditions of the parcel that give rise to the practical difficulties are unique to the parcel and are not applicable generally to other nearby properties;
 - e. Granting the waiver would not contravene the policies and purposes of these regulations;
 - f. The waiver is necessary to ensure that substantial justice is done and represents the minimum waiver necessary to ensure that substantial justice is done;
 - g. The practical difficulties were not created by the Developer, Owner, or Applicant; and
 - h. The practical difficulties cannot be overcome through reasonable design alternatives.
2. In approving waivers, the Commission may impose such conditions as will, in its judgment, substantially secure the objectives of these regulations.
 3. With respect to each requested waiver and each imposed condition, the Commission shall prepare and approve written findings of fact. Such findings shall address each of the conclusive findings set forth in Subsection [G][1] above and shall cite the specific facts that support each of the conclusive findings and that support each of the imposed conditions.
 4. Applications for waivers shall be submitted to the Commission, in writing, as part of the development plan application. On the application, the Applicant shall describe the requested waivers and shall submit proposed findings of fact in support of each requested modification. The Applicant shall bear the burden of establishing a sufficient factual basis for each requested modification.
 5. The Commission's decision to grant or deny a modification or to impose a condition is discretionary.
- H. DEVIATION FROM THE APPROVED DEVELOPMENT PLAN AND ADDITIONS TO EXISTING STRUCTURES

If the installation of the elements on the development plan materially deviate from the approved development plan (as determined by the Executive Director), the site plan shall be resubmitted to the Commission for a new development plan approval in accordance with the procedures and requirements for development plan approval. For purposes of this section, material deviation is one that:

1. adds, removes, or reconfigures an internal street or relocates an access point;

2. affects a condition of development plan approval that was established by the Commission during the development plan approval stage;
3. reduces the area devoted to open spaces or buffer landscaping;
4. would require a waiver of the requirements and standards of these regulations or would negate the basis for a modification that was granted; and
5. involves the enlargement of a nonresidential building footprint on the site due to future additions that are more than 10 percent of the gross floor area or 5,000 square feet, whichever is less.

Minor changes that do not constitute material deviation shall be reviewed and approved by the County Planning and Engineering staff.

I. FINANCIAL ASSURANCES

Franklin County reserves the right to require financial assurances to guarantee construction according to plans of all public improvements proposed in a development plan and for certain private improvements, including but not limited to site grading, drainage improvements, erosion control, sanitary sewers, private streets, landscaping and buffering, or other improvements which may directly impact adjacent properties or the health, safety, or welfare of the general public. Such assurances of performance shall be in an amount and form as prescribed by the County. Maintenance bonds shall be required for public improvements. Public improvements shall be dedicated within one year of the date of Planning Commission approval unless time extensions are granted by the County. If public improvements are not dedicated within one year, the County may take any action deemed necessary to insure completion to a point of dedication.

J. RECORD DRAWINGS AND CERTIFICATE OF COMPLETION AND COMPLIANCE

The developer or owner shall cause record drawings to be prepared and submitted to the Executive Director for all streets, drainage ditches and facilities, utility pipes and structures, and finished grade elevations for the project. Said record drawings shall be filed with the Executive Director prior to the release of any performance assurances. The record drawings plans shall be accompanied by a Certificate of Completion and Compliance properly executed in the form prescribed by the commission by the licensed engineer, or surveyor preparing the development plan and/or record drawings. Record drawings, including the approved final plat shall be submitted on the forms specified by the Plan Commission.

K. EXPIRATION DEADLINES

1. Approval of development plans shall expire two years from the date of Plan Commission approval if necessary land improvements have not been completed. Plan Commission, at its discretion, may grant extensions for a period up to two years.
2. Bonded improvements must be completed within two years of issuance of development plan approval.
3. Request for extension must be submitted in writing stating the justification for the extension.

SECTION 80.12.06: IMPROVEMENT LOCATION PERMITS

A. IMPROVEMENT LOCATION PERMIT REQUIRED

1. Within the jurisdiction of the Franklin County Area Plan Commission, no structure, improvement, or use of land may be altered changed, placed, erected, or located on platted or unplatted lands, unless the structure, improvement, or use, and its location, conform with the Area Zoning Code of Franklin County, Indiana, as amended, and an Improvement Location Permit for such structure, improvement, or use has been obtained from the Executive Director by the owner(s) of the property or by his agent.
2. The Executive Director shall only issue an Improvement Location Permit when the proposed structure, improvement or use and its location conform in all respects to the Area Zoning Code of Franklin County, Indiana.
3. The Executive Director shall be guided by and give consideration to the policies and directives of the Area Comprehensive Plan and Thoroughfare Plan of Franklin County, Indiana, prior to the issuance of any Improvement Location Permit.

B. APPLICATION FOR IMPROVEMENT LOCATION PERMIT

1. Any person, who shall make application for an Improvement Location Permit, shall, at the time of making such application, furnish an approved development plan, when required, or a site plan at least five (5) days prior to the issuance of said Improvement Location Permit. Said site plan shall be drawn to the specifications set forth in Section 80.12.04 above.
2. Applications, including site plans or development plans, shall be filed and shall become a permanent record of the Plan Commission.

C. RELOCATION OF PROPOSED BUILDING, STRUCTURE, OR EXIT

The Executive Director may require the relocation of any proposed building or structure or exit or entrance shown on the site plan or the location of new exits or entrances not shown on the site plan before issuing an Improvement Location Permit when such action is necessary to carry out the purpose and intent of the Zoning Code.

D. COMPLIANCE WITH THE THOROUGHFARE PLAN

Any permits authorized by the Executive Director, including but not limited to Improvement Location Permits, permitting the erection, alteration or relocation of structures and other improvements within the jurisdiction of the Area Plan Commission, shall be issued only if, in addition to satisfying the requirements of the Area Zoning Code of Franklin County, Indiana, the proposed street right-of-way as set forth in the Thoroughfare Plan will be protected from encroachment. In this instance, the proposed street right-of-way lines will be considered as the front lines of lots and tracts bordering such street, subject to Building Setback Lines.

E. APPROVAL BY THE HEALTH DEPARTMENT

An application for an Improvement Location Permit for any use shall not be approved until it has been ascertained by the Executive Director that the proposed Use meets the minimum standards for a sewage disposal system and water supply system as required by the Health Officer.

F. SOIL AND DRAINAGE CONDITIONS MET

An application for an Improvement Location Permit for any use shall not be approved until it has been ascertained by the Executive Director that the proposed use meets the applicable criteria set forth in Section 80.11 for the lot or tract of land concerning types of soils involved and the conditions which are requisite to assure proper execution of erosion and sediment control and proper drainage. Further, the Executive Director must be satisfied that any requirements of the County Surveyor, the Indiana Drainage Code, and the respective Town Board have been met before approving applications for Improvement Location Permits.

G. CERTIFICATE OF COMPLIANCE FOR INDUSTRIAL USES

Any application for an Improvement Location Permit for any use subject to the provisions of Sections 80.05.06[A] and 80.05.06[B] of this Chapter shall be accompanied by a "Certificate of Compliance" subscribed by a registered professional engineer of the State of Indiana, certifying that the use intended will satisfy the performance standards of the open industrial use or enclosed industrial use, as the case may be, and the standards of the district in which it is to be located. The Executive Director may take ten (10) days in which to study the application, during which time he may consult with appropriate technical consultants. If, after the ten (10) day period, the Executive Director has not required any additional information or stated any objection in writing, the Executive Director shall issue the Improvement Location Permit.

H. PERMITS FOR SPECIAL EXCEPTIONS

The Executive Director shall issue an Improvement Location Permit for a special exception only following receipt of notice from the Board of Zoning Appeals that the application therefore has been approved by the Board.

I. PERMIT FOR USES IN SPECIAL FLOOD HAZARD AREAS (SFHA)

The Executive Director shall review all development proposals to assure compliance with the flood plain district requirements of this Code. All development applications for uses located in the flood plain or floodway will require the review and approval by Natural Resources prior to the issuance of an Improvement Location Permit or Building Permit. The Executive Director shall forward all these specifications, along with plans and specifications, to Natural Resources for review and comment.

J. TEMPORARY IMPROVEMENT LOCATION PERMIT

A Temporary Improvement Location Permit may be issued by the Executive Director after application has been made for a temporary use authorized by this Code (see Section 80.04.04).

K. ERRONEOUSLY ISSUED PERMITS - RESTRICTIVE COVENANTS

The issuance of an Improvement Location Permit and/or a Certificate of Occupancy in no way validates such a permit or certificate in the event that same is erroneously issued or does not comply with applicable laws and the Code of Ordinances of Franklin County, Indiana, or the respective participating Towns. Furthermore, the issuance of an Improvement Location Permit and/or a Certificate of Occupancy in no way permits the violation of any restrictive covenants relative to the real estate.

L. TIME LIMIT

The work or use authorized by an Improvement Location Permit, Certificate of Occupancy or Permit for a variance, or other Permit, except for a special exception, must be commenced within six (6) months of the date of issuance of such certificate or permit; otherwise, the same shall lapse and become null and void. All work so authorized shall be completed within twelve (12) months from the issuance of the certificate or permit therefore, except for a special exception and provided that for good cause shown, the Executive Director can extend the completion of time.

SECTION 80.12.07: CERTIFICATE OF OCCUPANCY

A. CERTIFICATE OF OCCUPANCY REQUIRED

1. No land shall be occupied or used and no building hereafter erected, reconstructed, or structurally altered shall be occupied or used, in whole or in part, for any purpose whatsoever until a Certificate of Occupancy shall have been issued stating that the building and use comply with all of the provisions of this Code applicable to the building or premises of the use in the district in which it is to be located.
2. On completion of the improvement covered by the improvement location permit, the Executive Director shall cause an inspection of the premises, and, if this inspection shall reveal that the improvement has been completed in substantial conformity with site plan or development plan, the certificate of compliance, when required, and the improvement is in compliance with all requirements of Chapter 90 (Building Code) and all other applicable requirements of the Code of Ordinances of Franklin County, Indiana, and the respective participating Town, a Certificate of Occupancy shall then be issued.

B. TEMPORARY CERTIFICATE

A temporary Certificate of Occupancy may be issued by the Executive Director after application has been made for completed portions of a development or site plan, provided that a Certificate of Occupancy is required upon the completion of the total development or site plan.

C. CHANGE OF USE

No change shall be made in the use of land (except an agricultural use) or in the use of any building or part thereof, now or hereafter erected, reconstructed, or structurally altered, without a Certificate of Occupancy having been issued; and no such certificate shall be issued to make such changes unless it is in conformity with the provisions of this Code.

D. COINCIDENTAL APPLICATION

A Certificate of Occupancy shall be applied for coincidentally with the application for an Improvement Location Permit and shall be issued within ten (10) days after notification by the applicant thereof that the lawful erection, reconstruction or structural alteration of such building or other improvement of the land shall have been completed.

E. CERTIFICATES OF OCCUPANCY FILED FOR RECORD

A record of all Certificates of Occupancy shall be kept on file in the office of the Area Plan Commission, and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the building or land affected.

F. EXCAVATIONS

No Improvement Location Permit shall be issued for excavation or for the erection, reconstruction or structural alteration of any building before application has been made for a Certificate of Occupancy.

G. STATE RELEASE

No Certificate of Occupancy shall be issued for a commercial or industrial structure or for any other applicable use until the plans for such structure shall have been approved by the Department of Fire Prevention and Building Services of the State of Indiana.

SECTION 80.12.08: AMENDMENTS: MAP CHANGES AND TEXT CHANGES

A. PURPOSE

The purpose of this Section is to provide standards and procedures for making amendments to the text of this Code and the Zoning Map that are of general significance or application. This amendment process is not intended to relieve particular hardships nor to confer special privileges or rights upon any person, but only to make adjustments necessary in light of changed conditions or changes in public policy.

B. AUTHORITY

The text of this Code and the Zoning Map incorporated by reference into this Zoning Code may be amended from time to time by the passage of a petition duly adopted by the County Commissioners in accordance with IC 36-7-4-607 and 608 and with procedures set forth herein.

C. PARTIES ENTITLED TO INITIATE AMENDMENTS

1. The County Commissioners may, from time to time, amend, supplement or change the regulations and districts fixed by this Ordinance pursuant to this Section.
2. Petitions, duly signed, may be presented to the County Commissioners requesting an amendment, supplement or change of the regulations of the zoning ordinance by:
 - a. The Plan Commission
 - b. By the owners of fifty percent (50%) or more of the area involved in the petition.
3. Any proposed ordinance for the amendment, supplement, change or repeal of the zoning ordinance not originating from petition of the Plan Commission shall be referred to the Plan Commission for consideration and report before any final action is taken by the Board of County Commissioners.

D. STANDARDS FOR AMENDMENTS

In making their determination of whether to adopt or deny, or to adopt some modification of the Plan Commission's recommendation, the County Commissioners should consider, among other factors, the following:

1. Whether the proposed amendment is consistent with the goals, objectives, and policies of the Comprehensive Plan.
2. Whether the proposed amendment is compatible with current conditions and the overall character of existing development in the immediate vicinity of the subject property.
3. Whether the proposed amendment is the most desirable use for which the land in the subject property is adapted.
4. Whether the proposed amendment will have an adverse effect on the value of properties throughout the jurisdiction.
5. Whether the proposed amendment reflects responsible standards for development and growth.

E. PROCEDURE FOR REVIEW AND DECISION

A petition to amend the text of the Zoning Code or to amend the Zoning Map shall be processed in accordance with the procedures set forth below:

1. Applications

Applications for Amendments shall be filed in accordance with the Plan Commission's rules of procedure.

2. Public Hearing And Notice

Prior to the submission to the County of a plan commission petition or a petition referred to it for an amendment, supplement, change or repeal of the zoning ordinance, the Plan Commission shall give notice and hold a public hearing in the manner prescribed in the Plan Commission's rules of procedure.

3. Plan Commission Action

Within sixty (60) days after receipt of the proposed amendment, the Plan Commission shall submit its written recommendation of approval, denial, approval with modification, or "no recommendation", together with the petition for the text and/or map change to the County Commissioners.

4. Board of County Commissioners Action

The County Commissioners, upon receipt of the Plan Commission's recommendation concerning the proposal, shall have ninety (90) days in which to either adopt, reject, or adopt a modification of the recommendation of the Plan Commission.

- a. If the County Commissioners accept the Plan Commission recommendation, the amendment is adopted.
- b. If the County Commissioners fail to act within the stated ninety (90) days on any petition which has received a favorable recommendation from the Plan Commission, the amendment shall take effect as if it had been adopted.
- c. If the County Commissioners reject or fail to act within the stated ninety (90) days on any petition which did not receive a favorable recommendation by the plan commission, such action or inaction shall constitute rejection of the

proposed petition, and it shall not be reconsidered by the Plan Commission or the County Commissioners until the expiration of one (1) year after the date of its original rejection by the Plan Commission.

- d. If the County Commissioners reject or modify a petition which received a favorable vote by the Plan Commission, the petition shall be returned to the Plan Commission which then has forty-five (45) days to consider the rejection or modification as follows:
- e. If the Plan Commission approves or fails to act, the amendment stands as passed by the County Commissioners.
- f. If the Plan Commission disapproves the rejection or the modification made by the County Commissioners, the amendment only stands if it is confirmed by another vote of the County Commissioners within a forty-five (45) day period following the Plan Commission's disapproval.

SECTION 80.12.09: FILING FEES AND FORMS

A. APPLICATION FORMS

Applications and petitions prepared on the forms provided by the Executive Director, and accompanied by the filing fees specified by the County, shall be paid to the Executive Director who shall forthwith pay over to the Auditor of Franklin County to the credit of the General Fund of Franklin County.

B. FEES AND FINES MUST BE PAID

Until all applicable fees have been paid in full, no application for an improvement Location Permit is made belatedly and after notice of noncompliance from the Executive Director, verbally or written, a late filing fee or fine shall be assessed per following schedule: Non-commercial permits, (a) first offense, \$100.00; (b) second offense, \$200.00; (c) third offense \$500.00, (d) all succeeding offense \$2,500.00. All fees or fines to be levied by the Executive Director at the time of the belated filing for an Improvement Location permit.

C. FEES NOT RETURNABLE

No part of any filing fee paid pursuant to this section shall be returnable to the applicant or petitioner.

D. PUBLICATION COSTS

In addition to the application fees set forth herein, the applicant, petitioner or appellant shall meet the cost of publication notices and due notices to interested parties, when required.

E. FEES FOR AMENDMENTS, APPEALS AND REQUESTS

Applications for petitions to amend this code, appeals from the decision of the Executive Director, requests for Variances, Special Exceptions, Temporary Uses, Exceptions and other matters upon which the board is required to act, shall be accompanied by the following fees for each application.

Variance	\$300.00
Unit Development Plan	
B. Preliminary Unit Development Plan.....	\$300.00
1. Less than 20 acres.....	\$ 300.00
2. 20 – 100 acres.....	\$300.00
	plus \$2.00 for each acre over 19 acres.
A. Detailed Unit Development Plan	
1. Any number of acres	\$ 300.00
	plus \$1.00 for each acre
Contingent Uses.....	\$ 100.00
Change of Use	\$ 300.00
Special Exception	\$ 300.00
Temporary Uses	\$100.00

F. IMPROVEMENT LOCATION PERMIT FEE

For each application for an improvement location permit or for a temporary improvement location permit the sum of \$20.00 shall be paid.

G. CERTIFICATE OF OCCUPANCY

For each application for a certificate of occupancy, the sum of \$10.00 shall be paid.

13. AREA BOARD OF ZONING APPEALS

Table of Contents

Section 80.13.01: Establishment Of Area Board Of Zoning Appeals.....	204
Section 80.13.02: Membership.....	205
Section 80.13.03: Organization And Rules Of Area Board Of Zoning Appeals.....	205
Section 80.13.04: Powers And Duties Of Area Board Of Zoning Appeals	206
Section 80.13.05: Variances	207
Section 80.13.06: Appeals to Board.....	208
Section 80.13.07: Hearing of appeals, Special exceptions, and variances	209

SECTION 80.13.01: ESTABLISHMENT OF AREA BOARD OF ZONING APPEALS

The Franklin County Area Board of Zoning Appeals (referred to herein as the Board of Zoning Appeals or The Board) is hereby established with membership and appointment provided in accordance with I.C. 36-7-4-900, as set forth herein.

SECTION 80.13.02: MEMBERSHIP

A. MEMBERSHIP

The Board of Zoning Appeals shall consist of five members which shall be appointed as follows:

1. One (1) citizen member appointed by the Area Planning Commission from its membership.
2. One (1) citizen member, who may not be a member of any Plan Commission, appointed by the Town Board of the largest municipality in the County participating in the Commission.
3. Two (2) citizen members, of whom one (1) must be a member of the Area Planning Commission and one (1) must not be a member of the Area Planning Commission, appointed by the County Commissioners
4. One (1) citizen member, who may not be a member of any Plan Commission, appointed by the Town Board of the second largest municipality in the County participating in the Commission.

None of the members of the Board of Zoning Appeals may hold other municipal, county or state elective or appointive office, except as permitted herein, and each member must be a resident of the jurisdictional area of the Board.

B. TERMS OF OFFICE

Following adoption of this Ordinance, each of the above members shall be re-appointed for the balance of the term being served on the present Board of Zoning Appeals. Thereafter each member shall be for a term of four (4) years. Each term shall expire on the first Monday in January of the year of termination.

SECTION 80.13.03: ORGANIZATION AND RULES OF AREA BOARD OF ZONING APPEALS

A. ELECTION OF OFFICERS AND EMPLOYEES

At the first meeting of each year, the Board shall elect a Chairman and a Vice Chairman from among its members, and it may appoint a Secretary and such employees as are necessary for the discharge of its duties.

B. MEETINGS

All meetings of the Board shall be open to the public.

C. FACILITIES

The plan commission shall provide for suitable facilities for the holding of Board's hearings and for the preserving of records, documents, and accounts.

D. MINUTES

The board of zoning appeals shall keep minutes of its proceedings and record the vote on all actions taken. All minutes and records shall be filed in the office of the board and are public records. The board shall in all cases heard by it make written findings of fact.

E. RULES OF PROCEDURE

1. The Board shall adopt rules, which may not conflict with the zoning code, concerning:
 - a. The filing of appeals;
 - b. The application for variances, contingent uses, and special exceptions (conditional uses);
 - c. The giving of notice;
 - d. The conduct of hearings; and
 - e. The determination of whether a variance application is for a variance of use or for a variance from the development standards (such as height, bulk, or area).
2. The Board may also adopt rule providing for:
 - a. The allocation of cases filed; and
 - b. The fixing of dates for hearings.
3. Rules adopted by the Board shall be printed and be made available to all applicants and other interested persons.

F. CONFLICT OF INTEREST

A member of the Board may not participate in a hearing or decision of that Board concerning a zoning matter in which he has a direct or indirect financial interest. The Board shall enter in its records:

1. The fact that a regular member has such a disqualification; and
2. The name of the alternate member, if any, who participates in the hearing or decision in place of the regular member.

G. QUORUM.

A quorum consists of a majority of the entire membership of the Board.

H. OFFICIAL ACTION

Action of the Board is not official, unless it is authorized by a majority of the entire membership of the Board.

I. APPEALING A DECISION OF THE BOARD OF ZONING APPEALS

Any person, firm, corporation or governmental unit aggrieved by any decision of the Board of Zoning Appeals may seek court review by certiorari procedure.

SECTION 80.13.04: POWERS AND DUTIES OF AREA BOARD OF ZONING APPEALS

A. TERRITORIAL JURISDICTION

The Board of Zoning Appeals shall have jurisdiction over all the land subject to the Zoning Ordinance.

B. SUBJECT MATTER JURISDICTION

The Board shall hear and determine appeals from and review:

1. Any order, requirement, decision, or determination made by the Executive Director or the Plan Commission staff member in the enforcement of this Code;
2. Approve or deny all permits for special exceptions and exceptions from the terms of this Code, but only in the classes of cases or in the particular situations specified in this Code. The Board may impose reasonable conditions as a part of its approval.
3. Authorize upon appeal in specific cases such variances from the terms of this Code as will not be contrary to the public interest or to the spirit of this Code, where owing to special conditions, fully demonstrated on the basis of the facts presented, a literal enforcement of the provisions of this Code would result in practical difficulties in the use of land.

C. SUBPOENA WITNESSES

The Board shall have the power to subpoena witnesses, administer oaths and punish for contempt, and may require the production of documents under such regulations as it may establish.

D. DETERMINATION OF BOUNDARY LINES

The Board shall, in accordance with rules and regulations which may be adopted by it, determine all questions concerning the exact location of district boundary lines.

SECTION 80.13.05: VARIANCES

- A. Where the strict application of any provision of this Zoning Code could result in undue hardship upon the owner of specific property, or where there is a reasonable doubt as to any provisions of this Zoning Code or the Zone Map as applied to such property, the Board, upon receipt of a request by such owner, may modify such strict application or interpret the meaning of this Code so as to relieve such hardship; provided that such modification and interpretation shall remain in harmony with the general purpose of this Code, so that the public health, safety, convenience, comfort, prosperity or general welfare will be conserved and substantial justice done.
- B. No variance in the application of the provisions of the Zoning Code shall be made by the Board relating to buildings, land or premises now existing or to be constructed, unless after a public hearing, the Board shall find, in writing that:
 1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
 2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and
 3. The strict application of the terms of the zoning code will result in practical difficulties in the use of the property.
- C. The board of zoning appeals shall only approve or deny variances from the development standards (such as height, bulk, or area) of the zoning code. The Area Board of Zoning Appeals shall not be permitted to grant a variance from a use district or classification under Indiana area planning law.
- D. VARIANCES IN THE FP DISTRICT

Applications for variances to the provisions of this Chapter concerning an Improvement Location Permit (or Building Permit) for a use located in the FP district shall be forwarded to Natural Resources for review and comment. All terms and conditions imposed by Natural Resources shall be incorporated into the issuance of any such Permits. All variances shall give the minimum relief necessary and be such that the maximum practical flood protection will be given to the proposed construction. A written notice shall be issued to the recipient of a variance or exception that the proposed construction will be subject to increased risks to life and property and could require payment of excessive flood insurance premium.

E. APPLICATIONS FOR VARIANCES

An applicant seeking a variance from the development standards of this Zoning Code shall submit a request to the Planning department along with ten (10) copies of a site plan of the property for which the variance is requested, drawn to the specifications set forth in Section 80.12.04. Such a request shall be received at least 30 days prior to the next Board meeting.

F. CONDITIONS ON VARIANCES

The Board may impose such reasonable conditions upon its approval as it deems necessary to find that the variance will not subvert the general purpose of this or any other County Ordinance and will not injure property, uses, or natural, scenic, or historic features in the same zoning district and vicinity. Such conditions may include limitations concerning use, construction, character, location, landscaping, screening, parking, and other matters related to the purpose and intent of this Code.

G. FINDINGS OF FACT

Where a request for a variance from this Code is sought, not only must the written determinations be set out as required, but findings of fact which support these determinations must be set out also. The Board must specify by factual findings or by a statement of reasons the basis for denial of a variance requested by a petitioner.

H. DURATION OF A VARIANCE

A variance granted by the Board shall run with the land until such time as:

1. The use of the variance ends, or
2. The property conforms with the Zoning Code, as written.

I. FAILURE TO COMPLY

Where an owner has failed to comply with any condition and/or commitment permitted or required by the grant of the variance, the Board may authorize such action as it may deem appropriate to obtain compliance by the owner either with the condition or commitment of the grant, or with the terms of this Code as if the variance had not been granted, up to or including shutting down the operation.

SECTION 80.13.06: APPEALS TO BOARD

- A. An appeal filed with the Board must specify the grounds of the appeal and must be filed within such time and in such form as may be prescribed by the Board by rule.

- B. The Executive Director, administrative board, or other body from whom the appeal is taken shall, on the request of the board of zoning appeals, transmit to it all documents, plans, and papers constituting the record of the action from which an appeal was taken.
- C. Upon appeal, the board may reverse, affirm, or modify the order, requirement, decision, or determination appealed from. For this purpose, the board has all the powers of the official, officer, board, or body from which the appeal is taken.

SECTION 80.13.07: HEARING OF APPEALS, SPECIAL EXCEPTIONS, AND VARIANCES

- A. The Board shall fix a reasonable time for the hearing of administrative appeals, special exceptions, and variances.
- B. Public notice in accordance with IC 5-3-1-2 and IC 5-3-1-4 and due notice to interested parties shall be given at least ten (10) business days before the date set for the hearing. The board shall, by rule, determine who are interested parties, how notice is to be given to them, and who is required to give that notice.
- C. The party taking the appeal, or applying for the special exception, or variance, shall be required to assume the cost of public notice and due notice to interested parties. At the hearing, each party may appear in person, by agent, or by attorney.
- D. The Plan Commission staff, may appear before the Board at the hearing and present evidence in support of or in opposition to the granting of a variance or the determination of any other matter. Other persons may appear and present relevant evidence.
- E. A person may not communicate with any member of the Board before the hearing with intent to influence the member's action on a matter pending before the Board. Not less than five (5) days before the hearing, however, the Plan Commission staff may file with the board a written statement setting forth any facts or opinions relating to the matter.
- F. The Board may require any party adverse to any pending petition to enter a written appearance specifying the party's name and address. If the written appearance is entered more than four (4) days before the hearing, the Board may also require the petitioner to furnish each adverse party with a copy of the petition and a plot plan of the property involved.
- G. The board shall make a decision on any matter that it is required to hear under the Section 80.13.04 either:
 - 1. At the meeting at which that matter is first presented; or
 - 2. At the conclusion of the hearing on that matter, if it is continued.
- H. Within five (5) days after making any decision under Subsection [G] above, the board of zoning appeals shall file in the office of the board a copy of its decision.

14. VIOLATIONS AND PENALTIES

TABLE OF CONTENTS

Section 80.14.01: Complaints.....	210
Section 80.14.02: Remedies And Penalties	211

SECTION 80.14.01: COMPLAINTS

Whenever a violation of the Zoning Code occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Executive Director. Said official shall properly record such complaint and immediately investigate. If acts elicited by such investigation are sufficient to establish a reasonable belief that a violation has occurred on the part of the party investigated, said official shall proceed with the remedies for civil zoning violations set forth below.

A. AUTHORITY OF EXECUTIVE DIRECTOR TO INSTITUTE ACTION

In a case where any building or structure is, or is intended to be erected, constructed, reconstructed, altered or converted, or any building structure or premises is, or is intended to be used in violation of, or contrary to the provisions of this Code, the Executive Director is hereby authorized, in addition to other remedies set forth in the Statutes of the State of Indiana and in this Code, to institute an action to enjoin or to take any other appropriate action or proceeding in order to prevent such erection, construction, alteration, conversion or use.

B. INSPECTION OF PROPERTY – RIGHT OF ENTRY

1. The Executive Director or his appointed designee may enter upon any premises at any reasonable time for the purpose of inspecting all lands located within the jurisdiction of the Planning Commission and carrying out their duties in the enforcement of this Ordinance. Prior to entering upon any premises, the Executive Director or his designee shall furnish sufficient identification and information to enable the owner, tenant, or occupant to determine the purpose of the inspection and that the person conducting the inspection is an authorized representative of the County.
2. In the event that entry is denied by the owner, tenant, or occupant of the premises, the Executive Director may make application to any court of competent jurisdiction for the issuance of a search warrant. Such application shall identify the premises upon which entry is sought and the purpose for which entry is desired. The application shall state the facts giving rise to the belief that a condition which is in violation of this Code exists on the premises, or that such a violation in fact exists and must be abated, and that the condition or violation is not a lawful nonconforming use to the best of the applicant's belief. Any warrant issued pursuant to such application shall order such owner, tenant, or occupant to permit entry to the Executive Director or his designee for the purposes stated therein.

C. STOP-WORK ORDER

The Executive director is empowered to issue a Stop-Work Order requiring the suspension of land improvement of any kind when any of the following circumstances exist:

1. A site improvement is occurring without an Improvement Location Permit or any other permit required by this Code having first been obtained; or
2. A site improvement occurring in violation of: the terms, conditions, or provisions of this Code; the terms, provisions, conditions, or commitments of a variance grant or special exception; the terms of commitments made or conditions imposed in connection with the approval of a development plan; commitments made in connection with a petition for a zone map amendment; or other approval grant authorized by this Code.
3. The Stop-Work Order shall be posted on the property in a conspicuous place, or personally delivered to the owner, tenant, or occupant, or person in charge and state the conditions under which construction or other activity may be resumed.
4. The Plan Commission may institute a lawsuit in a court of competent jurisdiction to enforce the provisions of a stop work order.

D. VIOLATIONS AS COMMON NUISANCE

Any structure erected, raised, or converted, or land or premises used, in violation of this Code, is hereby declared a common nuisance, and the owner or possessor of the structure, land, or premises shall be liable for maintaining a common nuisance, which may be restrained or enjoined or abated in any appropriate action or proceeding under existing law.

SECTION 80.14.02: REMEDIES AND PENALTIES

Remedies and enforcement of the provisions of this Code shall be as set forth in I.C. 36-7-4-1000 et seq. and this section.

- A. Remedies and Enforcement. Remedies and enforcement of the provisions of the Zoning Code are set forth in I.C. 36-7-4-1000, "1000 SERIES -REMEDIES AND ENFORCEMENT
- B. Violations as a common nuisance. Any structure erected, raised, or converted, or land or premises used, in violation of this Chapter of the possessor of the structure, land, or premises is liable for maintaining a common nuisance.
- C. Penalty. Any person or corporation in violation of Chapter 80 may be punished subject to the provisions of I.C. 36-1-3-8, specifically: a fine of not more than two thousand five hundred dollars (\$2,500.00) for an ordinance violation. Each day that the ordinance violation continues shall constitute a separate offense.
- D. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, realtor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

- E. If the Area Plan Commission or Area Board of Zoning Appeals of Franklin County is required to utilize the services of the Commission Attorney or any other attorney in investigating a possible violation of this Code or in enforcing the provisions of this Code pursuant to this Section or any other Section; and such investigation results in a determination that a violation has occurred, or if the Board of Zoning Appeals or County is successful in its enforcement of the Code by way of suit, appeal or other appropriate proceeding; the respondent, defendant or party investigated for a violation shall pay the County's reasonable attorney fees and all costs related to the investigation of the violation and/or the enforcement of this Code, unless such attorney fees or the costs are specifically waived by the County Commissioners of the Franklin County.

APPENDIX: USE MATRIX

	A1	A2	RE	R1	R2	R3	LB	CB	PB	GB	I1	I2
AGRICULTURAL USES												
Agriculture/ Farm	P	P										
Farm House or Farm Dwelling	P	P										
Farm implement sales and service	S	S					S		P	P		
Farm seasonal worker housing	S	S										
Farmstead Lot	P	P										
Grain Elevators (commercial) and Related Uses	S	S	S								P	P
Raising and Breeding of Non-Farm Fowl or Animals (commercial), except for kennel	P	P	P									
Restricted Commercial Farm Enterprise, including confined feeding	S	S										
Riding Stable	P	P	P						P	P		
Sales Barn for Livestock	S	S										
RESIDENTIAL USES												
Group Home	P	P	P	P	P	P	P	P	P	P		
Kennel, private	S	S	S	S	S	S						
Mobile home park	S	S	S									
Multi-family dwelling						P	P	S				
Senior Housing or Congregate Care						P	P	S	S	S		
Single-family dwelling or Manufactured Home	P	P	P	P	P	P		S				
Two-family dwelling		P	P		P	P		S				
INSTITUTIONAL USES												
Assembly Halls and Grounds			S			S	S	S	S	S		
Charitable Institutions							P	P	P	P		
Church, place of worship	P	P	P	P	P	P	P	P	P	P	P	P
Fraternity, Sorority and Student co-ops						S	S	S				
Hospital	S	S	S	S	S	S	P	P	P	P		
Municipal, County or other Government Building	S	S	S			P	P	P	P	P		
Penal or Correctional Institution											S	S
Postal Station, Telegraph office						P	P	P	P	P	P	P
School K-8	P	P	P	P	P	P	P	P	P	P		
School 9-12	P	P	P	P	P	P	P	P	P	P		
Special School	P	P	P	P	P	P	P	P	P	P		
Stadium, Coliseum, Athletic Field, when associated with an educational facility	P	P	P	S	S	S	P	S	P	P		
University, college or trade school	P	P					P	P	P	P	P	P
PUBLIC UTILITY												
Major transmission lines for gas, oil electricity or other utilities	P	P	P	P	P	P	P	P	P	P	P	P
Public Utility Installation	P	P	P	P	P	P	P	P	P	P	P	P
Public water wells, water stations, filtration plant, reservoirs, and storage tanks	S	S	S	S	S	S	S	S	S	S	S	S
Sewage Treatment Facility (as a primary use)	S	S	S	S	S	S	S	S	S	S	S	S
Telephone exchange or public utility substation	P	P	S	S	S	S	P	P	P	P	P	P
Transmission tower(s) (radio, TV, etc.) and microwave towers	S	S	S				S		S	P	P	P
Utility company business office							P	P	P	P	P	P
Wireless Communications Facilities	S	S	S				S		S	P	P	P
MOTOR VEHICLES USES												
Automobile repair facility									P	P	P	
Automobile repair facility, incidental							S		P	P	P	
Automotive Paint Shop/ Detailing									P	P	P	
Automotive sales and rental							S		P	P	P	
Automotive Supply Sales							S	P	P	P	P	
Automotive Tire Repair and Sales							S	S	P	P	P	
Car Wash							P	P	P	P	P	
Gasoline service station (see Section 80.02.03 for permitted uses which may co-locate with gasoline service stations)							P	P	P	P	P	
Public Garage							S	S	S	S	S	S
Public or employee parking area							S	S	S	S	S	S
Temporary storage for disabled vehicles											S	S
PROFESSIONAL SERVICES												
Advertising Sign or Billboard (as a principal use)									S			

	A1	A2	RE	R1	R2	R3	LB	CB	PB	GB	I1	I2
Advertising Sign or Billboard (as an accessory use)	S	S										
Bank, financial institution							P	P	P	P		
Newspaper Publishing							P	P	P	P	P	P
Professional office center (including office parks and office/ research parks)							P	P	P	P	P	P
Research Establishment / Laboratory (commercial)											P	P
Studio for professional work or teaching								P	P	P		
PERSONAL SERVICES												
Bed and Breakfast and Lodging House	S	S	S		S	P	P	P	P	P		
Cemetery	S	S	S	S	S	S	P		P	P		
Class I & Class II Child Care Homes	P	P	P	P	P	P						
Clinic, medical or dental						S	P	P	P	P		
Crematory									P	P	P	P
Day Care Center or Child Development Center						P	P	P	P	P	S	S
Funeral Home or Mortuary	S	S	S				P	P	P	P		
Health and fitness center							P	P	P	P		
Hotel or motel			S				P	P	P	P		
Kennel, commercial							S	S	P	P	P	
Laboratory, medical or dental							P	P	P	P	P	P
Laundry or dry cleaning						S	P	P	P	P		
Laundry or dry cleaning, self service						P	P	P	P	P		
Nursing Home						S	P	P	P	P		
Personal services including but not limited to: Barber shop, Beauty shop, salons, day spas, etc.	S	S				S	P	P	P	P		
Tailor and pressing shop, dressmaking, alterations, and shoe repair							P	P	P	P		
Veterinary clinic	S	S				S	P	P	P	P	P	
Veterinary hospital							S	S	P	P	P	
FOOD SERVICES												
Bakery or Delicatessen						S	P	P	P	P		
Catering services							P	P	P	P		
Restaurant							P	P	P	P		
Restaurant, Carry out / take out							P	P	P	P		
Restaurant, Drive-in or Drive through							P	P	P	P		
Restaurant, Fast food							P	P	P	P		
Supermarket or Grocery Store							P	P	P	P		
RETAIL												
Commercial Greenhouse (exceeding 1000 sq. ft.)	S	S	S				S		P	P		
Convenience Store			P			S	P	P	P	P		
Department store							P	P	P	P		
Drug store						S	P	P	P	P		
Electronics and appliances, including TV and radio, sales and service							P	P	P	P		
Flea Markets	S	S	S						S	S	S	S
Hardware or paint store							P	P	P	P		
Newsdealer							P	P	P	P		
Outdoor Commercial Enterprise								S	S	P	P	P
Plant Nurseries, Truck Gardens	P	P					P	S	P	P		
Produce Stands (year round)	P	P	P	P	P	P	P	P	P	P	P	P
Show room and sales area for articles to be sold at retail							P	S	P	P	P	P
Specialty retail stores with less than 20,000 square feet of gross floor area, including but not limited to: Antique shop, Apparel shop, Flower or garden shop, Gift shop, Jewelry store, Music store, pet store, Shoe store, Toy store, Variety store, Stationer							P	P	P	P		
Large Scale Retail, free standing (not within a shopping center)												
20,001 - 200,000 square feet gross floor area							P	P	P	P		
> 200,001 square feet gross floor area									P	P		
Commercial Shopping Center												
< 400,000 square feet gross floor area							P	P	P	P		
400,001 - 600,000 square feet gross floor area									P	P		
> 600,001 square feet gross floor area									P	P		

	A1	A2	RE	R1	R2	R3	LB	CB	PB	GB	I1	I2
RECREATION/ ENTERTAINMENT												
Bait sales	S	S	P				P	P	P	P		
Billiard room, bowling alley, roller rink, racket sports facility, or other indoor recreational facility						S	P	P	P	P		
Campground	S	S	S									
Commercial canoe rental	S	S	S									
Golf Course/ Country Club	S	S	S	S	S	S	S					
Golf Driving Range							S		S	S		
Indoor theater							P	P	P	P		
Outdoor recreational facility	P	P	P			S	S		P	P		
Outdoor theater							S		S			
Park, public or private	P	P	P	P	P	P	P	P	P	P	P	P
Private Club or Lodge							P	P	P	P		
Race track							S		S	S		
Recreational Vehicle Park	S	S	S									
Seasonal hunting and fishing lodge	S	S	S									
Sexually oriented business											S	S
Shooting range	S	S	S								S	S
Stadium, Coliseum, Athletic Field (not associated with an educational institution)	S	S	S						S	S		
Tavern or night club							P	P	P	P		
TRANSPORTATION SERVICES												
Airport											S	S
Heliport											S	S
Motor bus or railroad passenger station							S	S	S	P	P	P
Private Landing Strip or Heliport	S	S	S						S	S	S	S
INDUSTRIAL												
Accessory Outdoor Storage												S
Auction Arena or Sales Yard (excluding livestock)											S	S
Bakery, secondary food processing, milk processing, manufacture and bottling of dairy products and beverages											S	P
Bottled gas storage and distribution yard											S	S
Building Material Supply Yard										S	S	P
Bulk fuel storage or petroleum tank farm, and other bulk storage of solids or liquids											S	S
Contractor's storage yard										S	S	P
Enclosed wholesaling, warehousing packaging, storage or distribution facilities (including commercial greenhouses)											P	P
Heavy Industrial, including but not limited to: Open industrial uses, including storage, processing, refining, fabricating, extraction, repairing, dismantling, assembling, cleaning, testing or repairing of goods, materials or products within buildings and/ or in open areas; Sand, gravel, or aggregate washing, screening or processing.												P
Heavy Manufacturing, including but not limited to: Boiler tank manufacturing and structural steel fabricating, general manufacturing and assembly plants; Can and container manufacture, processing and milling of forest products; Concrete mixing, production of concrete blocks and shapes, cinder blocks and other similar building materials manufacture												P
Junk Yard											S	P
Light Industrial, including but not limited to: Enclosed industrial uses including processing, refining, repairing of goods, materials or products.											P	
Light manufacturing, including but not limited to: Biological, medical, and cosmetic manufacturing; Manufacture of cloth, jewelry and leather products.											P	P
Mining Operation (i.e. sand or gravel pit, borrow pit, topsoil removal and storage areas)	S	S									S	S
Mini-warehouses or self service storage facility									S	S	P	P
Monument works and stone cutting											S	P